the group or through force transfers children from one group to another, shall be sentenced for genocide to imprisonment for at least four years or for life.

An attempt shall be punished.

Two or more who have agreed on committing genocide shall be sentenced for conspiracy at genocide to imprisonment.

Section 5. Whosoever spreads statements or other notices among the public where a certain race or national or ethnic or religious group is threatened, slandered or insulted, shall be sentenced for incitement to discrimination against a population group to a fine or to imprisonment for at most two years.

Section 6. If an entrepreneur or someone in his service in business in the pursuit of his profession or another person in comparable activity or an official in the performance of his duties does not serve a customer in accordance with generally followed conditions, due to the race, nationality, ethnic group or religion of this person, he shall be sentenced for discrimination to a fine or to imprisonment for at most six months.

Also the arranger or the assistant of an arranger of a public amusement or a public meeting who in contravention to generally followed conditions refuses admittance to the amusement or meeting, on the basis of the race, nationality or ethnic origin or religion of the person seeking entrance, shall be sentenced for discrimination.

Contracts of Employment Act

Section 17.

. . .

Subsection 3. The employer shall treat his workers impartially without making any unwarranted discrimination on the basis of origin, religion, age, political or trade union activity or any other comparable circumstance.

Section 54. An employer who violates the provisions contained in section 17, subsection 3, shall be sentenced to a fine.

France

[*Original: French*]

Act of 10 January 1936 on combat groups and private militias

Article 1. All associations or *de facto* groups . . . (Act No. 72-546 of 1 July 1972, 6) who stir up discrimination, hatred or violence against a person or group of persons because of their origin or because of their adherence or non-adherence to a determined ethnic group, nation, race or religion, or who propagate ideas or theories tending to justify or encourage such discrimination, hatred or violence, shall be dissolved by a decree issued by the President of the Republic in the Council of Ministers.

The Council of State, if seized by a demand for the annulment of the decree provided for in the first paragraph of this article, shall rule upon it as a matter of urgency.

Article 2. Any person who participates in the direct or indirect maintenance or reconstitution of the association or group mentioned in article 1 shall be liable to imprisonment of six months to two years and a fine of 60 to 30,000 francs. The penalties provided for in article 42 of the Penal Code may also be pronounced by the court.

If the guilty person is an alien, the court shall also pronounce the interdiction of French territory.

Article 3. The uniforms, insignia and emblems of associations and groups thus maintained or reconstituted shall be confiscated, together with all weapons and materials utilized or designed to be utilized by the said groups or associations.

Act No. 72-546 of 1 July 1972

Article 1. Article 24 of the Act of 29 July 1881 on the freedom of the press shall be supplemented by a fifth paragraph worded as follows:

Those who, by one of the means set forth in article 23, stir up discrimination, hatred or violence against a person or a group of persons because of their origin or their adherence or non-adherence to a determined ethnic group, nation, race or religion, shall be liable to imprisonment from one month to one year and a fine of 2,000 to 300,000 francs or one of these penalties only.

Article 2. I. Paragraph 1 of article 23 of the said Act of 29 July 1881 shall be worded as follows:

Penalties for being accomplices in an action defined as a crime or an offence shall be imposed on those who, either by speeches, cries or threats uttered in public places or meetings, or by writings, printed matter, drawings, engravings, paintings, emblems, pictures or any other material accompanying writing, words or pictures sold or distributed, exhibited or exposed for sale in public places or meetings, or by placards or posters exposed to the public eye, have

directly provoked the author or authors to commit such action, if the provocation has been followed by effect.

Article 3. The second paragraph of article 32 of the said Act of 29 July 1881 shall be worded as follows:

Defamation committed by the same means against a person or group of persons because of their origin or their adherence or non-adherence to a determined ethnic group, nation, race or religion shall be punishable by imprisonment of one month to one year and a fine of 300 to 300,000 francs or one of these penalties only.

Article 4. Paragraphs 2 and 3 of article 33 of the said Act of 29 July 1881 shall be worded as follows:

Insult committed in the same way against individuals, when it has not been preceded by provocations, shall be punishable by imprisonment from five days to two months and a fine of 150 to 80,000 francs or one of these penalties only.

The maximum penalty of imprisonment shall be six months and the maximum fine shall be 150,000 francs if the insult has been committed, under the conditions specified in the preceding paragraph, against a person or group of persons because of their origin or their adherence or non-adherence to a determined ethnic group, nation, race or religion.

Article 5. I. The second sentence of paragraph 6 of article 48 of the Act of 29 July 1881 on the freedom of the press shall be worded as follows:

However, the proceedings may be instituted automatically by the *ministère public* when the defamation or insult has been committed against a person or a group of persons because of their origin or their adherence or non-adherence to a determined ethnic group, nation, race or religion.

II. The following article 48-1 shall be inserted in the said Act of 29 July 1881:

Article 48-1. Any association, regularly constituted at least five years prior to the date of the facts, proposing in its statutes to combat racism, may exercise the rights recognized to the civil party with regard to infringements provided for in articles 24 (last paragraph), 32 (paragraph 2) and 33 (paragraph 3) of this Act.

However, when the infringement has been committed against persons considered individually, the association shall be liable in its action only if it proves that it has received the agreement of these persons.

Article 6. The following article 187-1 shall be inserted in the Penal Code:

Article 187-1. A penalty of imprisonment from two months to two years and a fine of 3,000 to 40,000 francs, or one of these two penalties only, shall be imposed on any public authority or citizen responsible for the public service who, because of a person's origin, sex, family situation or adherence or non-adherence to a determined ethnic group, nation, race or religion has knowingly refused to extend the benefit of a right to which that person was entitled.

The same penalties shall be applicable when such actions have been committed against an association or a society or their members because of the origin, sex, family situation of those members or some of them or because of their adherence or non-adherence to a determined ethnic group, nation, race or religion.

Article 7. Article 416 of the Penal Code shall be worded as follows:

Article 416. Penalties of imprisonment from two months to one year and a fine of 2,000 to 20,000 francs, or one of these penalties only, shall be imposed on:

(1) Anyone supplying or offering to supply goods or a service who, except for a legitimate reason, withholds it, either personally or through a deputy, from someone who requests it, because of that person's sex, customs, family situation or adherence or non-adherence to a determined ethnic group, nation, race or religion, or has subjected its supply to a condition based on origin, sex, family situation or adherence or non-adherence to a determined ethnic group, nation, race or religion.

(2) Any one person who, under the conditions provided for in paragraph 1 has withheld goods or a service from an association or a society or one of its members, because of the origin, sex, customs, family situation or adherence or non-adherence of those members or some of them to a determined ethnic group, nation, race or religion.

(3) Anyone who, by virtue of his profession or his functions, is called upon to employ, personally or on behalf of another, one or several candidates, who has refused to take on or has dismissed a person because of the origin, sex, customs, family situation or the adherence or non-adherence of that person to a determined ethnic group, nation, race or religion, or has subjected an offer of employment to a condition based on origin, sex, customs, family situation or adherence or non-adherence to a determined ethnic group, nation, race or religion.

The provisions of the above paragraph, in so far as they concern the sex of a person, shall apply, as appropriate, in the conditions specified both in article L123-1 of the Labour Code, to article 7 and 18 *bis* of the amended Ordinance No. 59-244 of 4 February 1959, and to article L. 411-14 of the Communal Code.

The court may order that its decision to convict shall be published under the conditions specified in article 51 and inserted fully or in the form of extracts in the periodicals it designates, at the expense of the convicted person, the expenses, however, not to exceed the maximum of the fine incurred.

Act No. 77-574 of 7 June 1977

Article 32. I. The following new article 187-2 shall be inserted after article 187-1 of the Penal Code:

Article 187-2. The penalties set forth in article 187-1 shall also apply to any public authority or citizen responsible for a public service who, by his action or omission, has helped to make more difficult the exercise of any economic activity under normal conditions:

1. By any individual because of national origin, adherence or non-adherence, true or supposed, to a determined ethnic group, race or religion;

2. By any body corporate because of the national origin, adherence or non-adherence, true or supposed, to a determined ethnic group, race or religion of its members or some of them, its leaders or some of them.

II. The following new article 416-1 shall be inserted after article 416 of the Penal Code:

Article 416-1. The penalties set forth in article 416 shall also apply to anyone who, by action or omission, has helped to make more difficult the exercise of any economic activity under normal conditions.

1. By any individual because of national origin, sex, customs, adherence or non-adherence, true or supposed, to a determined ethnic group, race or religion.

2. By any body corporate because of the national origin, adherence or non-adherence, true or supposed, to a determined ethnic group, race or religion of its members or some of them, of its leaders or some of them.

Germany, Federal Republic of

[*Original: English*]

Basic Law

Article 1. (1) The dignity of man shall be inviolable. To respect and protect it shall be the duty of all State authority.

(2) The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.

(3) The following basic rights shall bind the legislature, the executive and the judiciary as directly enforceable law.

Article 2.

. . .

(2) Everyone shall have the right to life and to inviolability of his person. The liberty of the individual shall be inviolable. These rights may only be encroached upon pursuant to a law.

Article 3. (1) All persons shall be equal before the law.

. . .

(3) No one may be prejudiced or favoured because of his sex, his parentage, his race, his language, his homeland and origin, his faith or his religious or political opinions.

Article 4. (1) Freedom of faith, of conscience, and freedom of creed, religious or ideological, shall be inviolable.

(2) The undisturbed practice of religion is guaranteed.

(3) No one may be compelled against his conscience to render war service involving the use of arms. Details shall be regulated by a federal law.

Article 5. (1) Everyone shall have the right freely to express and disseminate his opinion by speech, writing and pictures and freely to inform himself from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and film are guaranteed. There shall be no censorship.

(2) These rights are limited by the provisions of the general laws, the provisions of law for the protection of youth, and by the right to inviolability of personal honour.

(3) Art and science, research and teaching, shall be free. Freedom of teaching shall not absolve from loyalty to the Constitution.

Article 8. (1) All Germans shall have the right to assemble peaceably and unarmed without prior notification or permission.

(2) With regard to open-air meetings this right may be restricted by or pursuant to a law.

Article 9. (1) All Germans shall have the right to form associations and societies.

(2) Associations, the purposes or activities of which conflict with criminal laws or which are directed against the constitutional order or the concept of international understanding, are prohibited.

(3) The right to form associations to safeguard and improve working and economic conditions is guaranteed to everyone and to all trades, occupations and professions. Agreements which restrict or seek to impair this right shall be null and void; measures directed to this end shall be illegal. . . .

Article 12. (1) All Germans shall have the right freely to choose their . . . place of training.

. . .

Article 16. (1) No one may be deprived of his German citizenship. Loss of citizenship may arise only pursuant to a law, and against the will of the person affected only if such person does not thereby become stateless.

Article 18. Whoever abuses freedom of expression of opinion, in particular freedom of the press (article 5 (1)), freedom of teaching (article 5 (3)), freedom of assembly (article 8), freedom of association (article 9), privacy of posts and telecommunications (article 10), property (article 14), or the right of asylum (article 16 (2)) in order to combat the free democratic basic order, shall forfeit these basic rights. Such forfeiture and the extent thereof shall be pronounced by the Federal Constitutional Court.

Article 19. (4) Should any person's right be violated by public authority, recourse to the court shall be open to him. If jurisdiction is not specified, recourse shall be to the ordinary courts. The second sentence of paragraph (2) of article 10 shall not be affected by the provisions of this paragraph.

Article 33. (1) Every German shall have in every land the same civic rights and duties.

(2) Every German shall be equally eligible for any public office according to his aptitude, qualifications, and professional achievements.

(3) Enjoyment of civil and civic rights, eligibility for public office, and rights acquired in the public service shall be independent of religious denomination. No one may suffer any disadvantage by reason of his adherence or non-adherence to a denomination or ideology.

. . .

Article 38. (1) The deputies to the German Bundestag shall be elected in general, direct, free, equal, and secret elections. They shall be representatives of the whole people, not bound by orders and instructions, and shall be subject only to their conscience.

"General" means that every citizen of voting age—presently 21 but in the process of being lowered to 18—has the right to vote irrespective of his origin, profession, race or colour.

(2) Anyone who has attained the age of 18 years shall be entitled to vote; anyone who has attained full age shall be eligible for election.

Article 93.

. . .

4a. The Federal Constitutional Court shall decide:

. . . on complaints of unconstitutionality which may be entered by any person who claims that one of his basic rights . . . has been violated by public authorities.

Penal Code

Section 130 (Incitement of the people)

Whosoever attacks the human dignity of others in a manner liable to disturb the public peace by:

(i) Inciting hatred against certain groups in the population,

(ii) Urging violence or arbitrary acts against such groups, or

(iii) Insulting, maliciously ridiculing or defaming such groups shall be punished with imprisonments not less than 3 months and not exceeding 5 years.

Section 220a (Genocide). (1) Whosoever, with the intention of destroying wholly or partially a national, racial, religious or ethnic group, wilfully

(i) Kills members of such group,

(ii) Causes grave physical or mental damage, . . . to members of such group,

(iii) Causes such group to live in conditions likely to cause their total or partial physical destruction,

(iv) Takes measures to prevent births within such group,

(v) Transfers children of such group by force to some other group,

shall be guilty of genocide and punished with lifelong imprisonment.

(2) If mitigating circumstances are present in the cases specified in subparagraph (1) (ii) to (v) above, punishment shall be imprisonment not less than five years.

Fourth Law to reform the Penal Code

Section 131 (Glorification of violence; incitement to racial hatred)

(1) Whosoever:

(i) Disseminates,

(ii) Publicly exhibits, posts up, demonstrates or otherwise makes accessible,

(iii) Offers or makes available or accessible to a person under 18 years of age, or

(iv) Manufactures, procures, supplies, keeps in stock, offers, advertises, commends, undertakes to import into or export from the geographical area covered by this law in order to use or to enable any other person to use in like manner items or items gained from them within the meaning of numbers (i) to (iii),

literature, sound picture recordings, illustrations or representations which show acts of violence against people in a cruel or otherwise inhuman manner and this in order to glorify or to seek to minimize the cruelty of such acts of violence or to incite racial hatred will be penalized with imprisonment of up to one year or with a fine.

(2) Whosoever disseminates such representations as listed in subparagraph 1 by radio will be penalized in like manner.

(3) Subparagraphs 1 and 2 do not apply when the act serves as a report on events in the news or in history.

(4) Subparagraph 1 (iii) shall not be applied when action is done by the guardian of the person involved.

Civil Code

Adequate reparation and indemnification for damages suffered through an act of discrimination may be claimed under section 823, paragraphs 1 and 2. In addition, criminal charges can be brought against persons who

commit acts of racial discrimination. If convicted they can be punished for libelous conduct under section 185 of the Penal Code.

Law of Procedure for Administrative Tribunals (Verwaltungsgerichtsordnung)

Section 40. Jurisdiction over cases of racial discrimination committed by public authority is shared by the administrative tribunals which have the right, under the legal system of the Federal Republic of Germany, to nullify or rescind any measure or act by public authority.

Law on the promotion of employment

Section 2. The measures taken pursuant to this law are to contribute, in particular, so that

(1) Neither unemployment and employment below a person's qualifications nor shortage of labour arise or continue,

. . .

Section 100. Anybody who is unemployed, who is at the disposal of the Employment Agency, who completed the qualifying period, who reported his unemployment to the local labour office and applied for unemployment pay is entitled to draw unemployment benefits.

* * *

In case of the violation of one of the human rights covered by the European Convention on Human Rights, article 46 of this Convention offers any German citizen and resident alien in Germany recourse, through the European Commission, to the European Court of Human Rights. The Convention has been ratified by the Federal Republic of Germany which has accepted the compulsory jurisdiction of the European Court.

Ghana

[*Original: English*]

Avoidance of Discrimination Act 1957

This Act prohibits anybody or group of persons having a common racial origin and whose membership is substantially restricted to anybody or group of persons to have as one of its objectives the exposure of any other

association of persons or any part of the community to hatred, contempt or ridicule on account of their race.

Conviction under this Act could attract a fine or a term of imprisonment.

Provisional National Defence Council (Establishment) Proclamation (Supplementary and consequential provisions) Law, PNDCL 42

This Law states the "Directive Principles of State Policy" which are to guide all persons and institutions exercising power in the performance of their functions.

Under this Law, respect for fundamental human rights and the dignity of the person is to be cultivated among all sections of the society as a basis of social justice: loyalty to Ghana, overriding all sectional, ethnic or other loyalties is to be encouraged and discrimination on grounds of ethnic origin discouraged.

Hungary

[*Original: English*]

Constitution

Article 55. (1) The Hungarian People's Republic ensures the right of its citizens to work and their remuneration according to the quantity and quality of work performed.

(2) The Hungarian People's Republic enforces this right through a planned development of the productive forces of the national economy and through manpower management on the national economic plan.

Article 56. (1) The Hungarian People's Republic ensures the right of rest for its citizens.

(2) The Hungarian People's Republic enforces this right by determining statutory working hours, guaranteeing paid holidays, and supporting the organization of rest and recreation.

Article 57. (1) Citizens in the Hungarian People's Republic have the right to the protection of their lives, corporeal integrity and health.

(2) The Hungarian People's Republic enforces this right through the organization of labour safety, health institutions and medical services as well as through the protection of the human environment.

Article 58. (1) The citizens of the Hungarian People's Republic have the right to financial support in case of old age, disease and disability.

(2) The Hungarian People's Republic guarantees the right to financial support through the social insurance scheme and the network of social institutions.

Article 59. (1) The Hungarian People's Republic ensures the right to education for all citizens.

(2) The Hungarian People's Republic enforces this right by extending public education and making it general, by means of free and compulsory primary education as well as of secondary and higher education, extension courses for adults, and financial support for those receiving education.

Article 60. The Hungarian People's Republic guarantees the freedom of scientific and artistic creative activity.

Article 61. (1) The citizens of the Hungarian People's Republic are equal before the law and enjoy equal rights.

(2) Discrimination of any kind against citizens on grounds of sex, religion or nationality is a severely punishable offence.

(3) The Hungarian People's Republic guarantees for all nationalities living within its territories the equality of rights, the right to use their mother tongue, the right to education in their mother tongue, and the right to preserve and develop their national culture.

Article 63. (1) The Hungarian People's Republic guarantees the freedom of conscience and religious worship for all citizens.

(2) In order to ensure the freedom of conscience the Hungarian People's Republic separates the Church from the State.

Article 64. The Hungarian People's Republic guarantees the freedom of speech, the freedom of the press and the freedom of assembly in keeping with the interests of socialism and the people.

Article 65. (1) The Hungarian People's Republic guarantees the right of association to be regulated by an act of Parliament.

(2) The working people may call into being mass organizations and mass movements for the protection of the order and achievements of socialism, for increased participation in socialist construction and public life, for the expansion of cultural education work, for the implementation of the people's rights and obligations, and for the cultivation of international solidarity.

Article 66. The Hungarian People's Republic ensures the personal freedom and inviolability of citizens and the privacy of correspondence and of the home.

Article 68. (1) Every citizen has the right to participate in the management of public affairs and the duty to discharge his public functions conscientiously.

(2) Citizens may submit proposals of public interest to State and social organizations, such proposals to be judged on their merits.

Civil Code

Article 75. (1) The rights pertaining to persons shall be respected by all. These rights are under the protection of the law.

(2) The rules for the protection of rights pertaining to persons shall also be applicable to juristic persons except where, given its nature, such protection can only be enjoyed by private persons.

Article 76. An infringement of the rights pertaining to persons shall be deemed to be constituted, in particular, by discrimination of any kind against private persons on grounds of sex, race, nationality or religion, by violation of the freedom of conscience and unlawful restriction of the personal freedom, by injury to corporeal integrity, health, honour and human dignity.

Article 84. (1) A person offended in any of the rights pertaining to his person may raise the following claims under the civil law:

(*a*) Ask the court to establish the commission of the wrong;

(*b*) Demand the discontinuation of the wrong and the enjoinment of the tortfeasor from the commission of further wrong;

(*c*) Demand the tortfeasor to give satisfaction by a declaration or in some other appropriate manner and, if need be, due publicity commensurate with satisfaction to be ensured by the tortfeasor or at his expense;

(*d*) Demand that the injurious situation be terminated and the original state of affairs be restored by the tortfeasor or at his expense and that the thing produced as a result of the wrong be destroyed or deprived of its wrongful character;

(*e*) Claim damages in accordance with the rules on civil law liability.

(2) If the amount to be adjudicated by way of compensation is disproportionate to the gravity of the imputable conduct, the court may also impose on the tortfeasor a fine, the sum of which may be used for public purposes.

Article 148, paragraph 1.

. . .

(*d*) Whoever commits an act liable to incite others to hatred against any people, nationality, denomination or race shall be deemed to commit a crime and be punished with imprisonment for a term of one to five years.

Article 155. (1) Whoever, with intent to destroy in whole or in part a national, ethnic or religious group,

(*a*) Kills a member of the group;

(*b*) Inflicts on the group conditions of life likely to result in the destruction of the group or some of the members;

(*c*) Takes any measure to prevent births within the group;

(*d*) Forcibly transfers children of the group to another group

shall be deemed to commit a crime and be punished with imprisonment for a term of 10 to 15 years or for life, or with death.

(2) Whoever carries out an act of preparation for genocide shall be deemed to commit a crime and be punished with imprisonment for a term of two to eight years.

Article 156. Whoever causes serious bodily or mental injury to a member of a national, ethnic, racial or religious group on account of his/her belonging to such a group shall be deemed to commit a crime and be punished with imprisonment for a term of two to eight years.

Article 157. Whoever carries out an act prohibited by international law with intent to ensure that a racial group will gain or maintain domination over, or systematically oppress another racial group shall be deemed to commit a crime and, provided no offence of greater gravity was consummated, shall be punished with imprisonment for a term of one to five years.

Labour Code

Article 18.

. . .

(3) In establishing employment relations and defining the rights and duties arising from employment no discrimination shall be made against employees on grounds of sex, nationality, race or social origins.

India

[*Original: English*]

Constitution

Article 14. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15. (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to:

(*a*) Access to shops, public restaurants, hotels and places of public entertainment; or

(*b*) The use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

[(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.]

Article 16. (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office [under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory] prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body

thereof shall be a person professing a particular religion or belonging to a particular denomination.

Article 17. "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

Right to freedom

Article 19. (1) All citizens shall have the right:

(*a*) To freedom of speech and expression;

(*b*) To assemble peaceably and without arms;

(*c*) To form associations or unions;

(*d*) To move freely throughout the territory of India;

(*e*) To reside and settle in any part of the territory of India; [and]

. . .

(*g*) To practise any profession, or to carry on any occupation, trade or business.

[(2) Nothing in sub-clause (*a*) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of [the sovereignty and integrity of India,] the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.]

(3) Nothing in sub-clause (*b*) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevents the State from making any law imposing, in the interests of [the sovereignty and integrity of India or] public order, reasonable restriction on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (*c*) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevents the State from making any law imposing, in the interests of [the sovereignty and integrity of India or] public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in [sub-clauses (*d*) and (*e*)] of the said clause shall affect the operation of any existing law in so far as it imposes, or prevents the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clause either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (*g*) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevents the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, [nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevents the State from making any law relating to:

(i) The professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(ii) The carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise].

Article 20. (1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

Article 21. No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 22. (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply:

(*a*) To any person who for the time being is an enemy alien; or

(*b*) To any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorize the detention of a person for a longer period than three months unless:

(*a*) An Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:

Provided that nothing in this sub-clause shall authorize the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (*b*) of clause (7); or

(*b*) Such person is detained in accordance with the provisions of any law made by Parliament under sub-clauses (*a*) and (*b*) of clause (7).

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

(7) Parliament may by law prescribe:

(*a*) The circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (*a*) of clause (4);

(*b*) The maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and

(*c*) The procedure to be followed by an Advisory Board in an inquiry under sub-clause (*a*) of clause (4).

Right against exploitation

Article 23. (1) Traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

(2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

Article 24. No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Right to freedom of religion

Article 25. (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law:

(*a*) Regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(*b*) Providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I. The wearing and carrying of *kirpans* shall be deemed to be included in the profession of the Sikh religion.

Explanation II. In sub-clause (*b*) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religions, and the reference to Hindu religious institutions shall be construed accordingly.

Article 26. Subject to public order, morality and health, every religious denomination or any section thereof shall have the right:

(*a*) To establish and maintain institutions for religious and charitable purposes;

(*b*) To manage its own affairs in matters of religion;

(*c*) To own and acquire movable and immovable property; and

(*d*) To administer such property in accordance with law.

Article 27. No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

Article 28. (1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.

(2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.

(3) No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any prem-

ises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.

Cultural and educational rights

Article 29. (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Article 30. (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

[(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.]

(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Article 32. (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this part is guaranteed.

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, *quo warranto* and *certiorari*, whichever may be appropriate, for the enforcement of any of the rights conferred by this part.

(3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

Article 32A. [Constitutional validity of State laws not to be considered in proceeding under article 32.] Rep. by the Constitution (Forty-third Amendment) Act, 1977, s. 3) (w.e.f. 13-4-1978).

Article 33. Parliament may by law determine to what extent any of the rights conferred by this part shall, in their application to the members of the Armed Forces or the Forces charged with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

Article 34. Notwithstanding anything in the foregoing provisions of this part, Parliament may by law indemnify any person in the service of the Union or of a State or any other person in respect of any act done by him in connection with the maintenance or restoration of order in any area within the territory of India where martial law was in force or validate any sentence passed, punishment inflicted, forfeiture ordered or other act done under martial law in such area.

Article 35. Notwithstanding anything in this Constitution:

(*a*) Parliament shall have, and the Legislature of a State shall not have, power to make laws:

(i) With respect to any of the matters which under clause (3) of article 16, clause (3) of article 32, article 33 and article 34 may be provided for by law made by Parliament; and

(ii) For prescribing punishment for these acts which are declared to be offences under this part, and Parliament shall, as soon as may be after the commencement of this Constitution, make laws for prescribing punishment for the acts referred to in sub-clause (ii);

(*b*) Any law in force immediately before the commencement of this Constitution in the territory of India with respect to any of the matters referred to in sub-clause (i) of clause (*a*) or providing for punishment for any act referred to in sub-clause (ii) of that clause shall, subject to the terms thereof and to any adaptations and modifications that may be made therein under article 372, continue in force until altered or repealed or amended by Parliament.

Article 38. [(1)] The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

[(2) The State shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.]

Article 39. The State shall, in particular, direct its policy towards securing:

(*a*) That the citizens, men and women equally, have the right to an adequate means of livelihood;

(*b*) That the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(*c*) That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(*d*) That there is equal pay for equal work for both men and women;

(*e*) That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

[(*f*) That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.]

Article 39A. The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.]

Article 41. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to educational and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Article 42. The State shall make provision for securing just and humane conditions of work and for maternity relief.

Article 43. The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual co-operative basis in rural areas.

[*Article 43A.* The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry.]

Article 44. The State shall endeavour to secure for the citizen a uniform civil code throughout the territory of India.

Article 45. The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

Article 46. The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particu-

lar, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Article 47. The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

Article 51A. It shall be the duty of every citizen of India:

. . .

(*e*) To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

(*f*) To value and preserve the rich heritage of our composite culture;

Anti-Apartheid *Act*

Section 1. (1) This Act may be called the Anti-*Apartheid* (United Nations Convention) Act, 1981.

(2) It extends to the whole of India.

Section 2. (1) Notwithstanding anything to the contrary contained in any other law, such of the provisions of the International Convention on the Suppression and Punishment of the Crime of *Apartheid* as are set out in the Schedule [Articles II and III of the Convention] shall have the force of law in India.

(2) The Central Government may, from time to time, by notification in the Official Gazette, amend the Schedule in conformity with any amendments, duly made and adopted, of the provisions of the said Convention set out therein.

(3) Every notification issued under subsection (2) shall be laid, as soon as may be after it is issued, before each House of Parliament.

Section 3. Every person to whom international criminal responsibility applies under article III of the said Convention, as set out in the Schedule, shall be punished with death, or imprisonment for life, or imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Explanation—For the purposes of this section, the reference in clause (*a*) of article III of the said Convention to "article II" shall be construed as a reference to the provisions of article II of that Convention as set out in the Schedule.

Section 4. Where an offence under this Act has been committed by a company or an organization or an institution, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company, organization or institution, as the case may be, for the conduct of its business or affairs, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this section shall render any such person liable to punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation—For the purpose of this section, "company" means any body corporate and includes a firm or other association of individuals.

Section 5. Any person committing an offence under section 3 may be tried for the offence in any place in which he may be found or in such other place as the Central Government may, by general or special order, published in the Official Gazette, direct in this behalf.

Section 6. No person shall be arrested or prosecuted in respect of any offence under section 3 except with the previous sanction of the Central Government or such officer or authority as may be authorized by that Government by order in writing in this behalf.

The Gazette of India: October 3, 1964/ASVINA 11, 1986

G.S.R. 1422. In exercise of the powers conferred by subsection (1) of section 11 of the Customs Act, 1962 (52 of 1962) and in supersession of the notifications of the Government of India in the late Department of Commerce No. 2-C(6)/46-1 and No. 2-C(6)/46-2 (both dated 17th July, 1946), the Central Government, being satisfied that it is conducive to the interests of the general public so to do, hereby prohibits the export to and import from the Republic of South Africa of all goods:

Provided that the foregoing prohibition shall not apply to:

(i) Post-cards (including reply post-cards);

(ii) Letters as ordinarily understood, i.e., communications;

(iii) Aerograms;

(iv) Books;

(v) Periodical publications (magazines); and newspapers (including "registered newspapers");

(vi) Literature for the blind;

(vii) Free unsolicited gifts from relations and friends, including family and personal photographs, not intended for sale, provided such gifts are:

(*a*) Paid for at letter postage rates or printed matter rates, or

(*b*) Sent otherwise than through parcel post; and

(*c*) The value of such gifts does not exceed Rs. 200;

(viii) Packets containing sweetmeats and blessings for the devotees sent by the Durgah Committee, Ajmer, provided that no packet exceeds 500 grams in weight and each packet is accompanied by a certificate from the Nazim of the Durgah Committee;

(ix) Pictorial representations with the religious and social background portraying Indian culture;

(x) Bona fide personal effects of passengers;

(xi) Cargo trans-shipped at Indian ports for places other than in the Republic of South Africa by non-Indian and non-South African ships proceeding to countries other than South Africa which may not touch ports in the Republic of South Africa in the course of this voyage;

(xii) Stores supplied in reasonable quantities for use on board ships not borne on the South African or Indian registry and which touch ports in the Republic of South Africa in course of their voyage;

(xiii) Service cargo (excluding arms and ammunition, military vehicles, equipment and material for the manufacture or maintenance of arms and ammunition for the Republic of South Africa) when carried as same bottom cargo by ships not borne on the Indian or South African registry.

Iran (Islamic Republic of)

[*Original: English*]

Constitution

Article 19. The people of Iran belonging to whatever ethnic or tribal group shall enjoy equal rights and complexion, race, language and the like shall not be considered as a privilege.

Law on the punishment of the propagation of racial discrimination

Article 1. Dissemination or encouragement through any means of mass communication, of ideas based on racial and sex discrimination as well

as racial hatred against any group having different race, colour, sex and nationality, and any contribution such as financial assistance to such activities are prohibited and the perpetrator shall be sentenced to misdemeanour imprisonment up to six months, or to pecuniary penalty from Rls 10,000 to Rls 50,000, unless such an act deserves more aggravated punishments in accordance with other laws; in such a case, most aggravated punishments are enforced.

Article 2. Whoever establishes or runs an association with the purpose of propagating discrimination as regards to race, sex and nationality, or intent on bringing about hatred, enmity and division on the basis of race, sex, and nationality shall be sentenced to misdemeanour imprisonment from three months to one year, or a pecuniary penalty from Rls 10,000 to Rls 100,000. Acceptance of membership in such associations shall include the most attenuated punishments provided for in the said law.

Malawi

[*Original: English*]

Constitution

Section 2.

...

(iv) No person shall be deprived of his property without payment of fair compensation, and only where the public interest so requires;

(v) All persons regardless of colour, race or creed should enjoy equal rights and freedom.

Mauritius

[*Original: English*]

Constitution

CHAPTER 11

Section 3. Fundamental rights and freedoms of the individual.

It is hereby recognized and declared that in Mauritius there has existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms

(*a*) The right of the individual to life, liberty, security of the person and the protection of the law,

(*b*) Freedom of conscience, of expression, of assembly and association and freedom to establish schools, and

(*c*) The right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation,

and the provisions of this chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

Section 6. Protection from slavery and forced labour—(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

Section 7. Protection from inhuman treatment—(1) No person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.

Section 8. Protection from deprivation of property—(1) No property of any description shall be compulsorily taken possession of and no interest in or right over property of any description shall be compulsorily acquired.

Section 14. Protection of freedom to establish schools—(1) No religious denomination and no religious, social, ethnic or cultural association or group shall be prevented from establishing and maintaining schools at its own expense.

Section 16. Protection from discrimination.

. . .

(2) Subject to subsections (6), (7) and (8), no person shall be treated in a discriminatory manner by any person acting in the performance of any public function conferred by any law or otherwise in the performance of any public office or any public authority.

(3) In this section, "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description.

Section 17. Enforcement of protective provisions—(1) Where any person alleges that any of sections 3 to 16 has been, is being or is likely to

be contravened in relation to him, then, without prejudice to any other action with respect to the same matter that is lawfully available, that person may apply to the Supreme Court for redress.

(2) The Supreme Court shall have original jurisdiction to hear and determine any application made by any person in pursuance of subsection (1), and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of sections 3 to 16 to the protection of which the person concerned is entitled:

Provided that the Supreme Court shall not exercise its powers under this subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.

Mexico

[*Original: Spanish*]

Constitution

Article 1. Every person in the United Mexican States shall enjoy the guarantees granted by this Constitution, which cannot be restricted or suspended except in such cases and under such conditions as are herein provided.

Article 3, paragraph I.

. . .

(*c*) Education imparted by the State shall help to better human relationships, not only through the contribution it makes to fostering in the student an awareness of the general interest of society as well as respect for the dignity of the person and the integrity of the family, but also by upholding the ideals of brotherhood and equality of rights among all human beings, without privileges of race, sect, group, sex or individual.

Article 5. No one may be prevented from engaging in the profession, industrial or commercial pursuit or occupation of his choice, provided that it is lawful.

Article 34. Men and women having the status of Mexicans shall be citizens of the Republic provided that:

I. They have reached 18 years of age,

II. They have an honest means of livelihood.

Article 13. No one may be tried under exclusive laws or by special courts. No individual or corporate body shall have privileges.

Article 123. Everyone is entitled to suitable and socially useful work. To this end, the creation of jobs and social organization for labour shall be promoted in conformity with the law.

. . . Equal wages shall be paid for equal work, without regard to sex or nationality.

Article 133. International treaties concluded by the President of the Republic, with the approval of the Senate, shall, together with the Political Constitution and the laws of the Congress of the Union, constitute the supreme law throughout the Union.

Penal Code

Article 364 prescribes a penalty of one month to three years' imprisonment and a fine for anyone who in any way violates, to the detriment of another, the rights and guarantees granted to individuals by the General Constitution of the Republic.

Federal Consumer Protection Act

Article 44. Providers of services to the general public may not establish preferences or any discrimination whatsoever with regard to would-be users of the service, such as selection of clientele, limitations on the right of admission and other similar practices, except for reasons fully justified in each case, which might involve the security and orderliness of the establishment, or which are based on express provisions of other legislation.

Article 54. It is strictly prohibited for any commercial or service establishment to engage in any action directly affecting the freedom, security and personal integrity of the general public, any kind of investigation or search of persons, or in general any act constituting an affront to their dignity or modesty.

Press Act

Article 1. Any malicious manifestation or express made verbally or by gesture, in the presence of one or more persons, or using hand-writing, printing, drawing, lithography, photography or any other means which publicly exhibited or distributed to the public, or transmitted by mail, telegraph, telephone, radio-telegraphy or message, or in any other manner, exposes an

individual to hatred, scorn or ridicule or might damage his reputation or his interests.

Federal Radio and Television Act

Article 63. All broadcasts which cause corruption of the language and which offend against decency, either through the use of vicious expressions, indecent words or images, phrases and scenes having a double meaning or advocacy of violence or crime, shall be prohibited, anything which is insulting or offensive to national heroes and religious beliefs, or is discriminatory towards races, shall also be prohibited, the use of low comedy and offensive sounds is likewise prohibited.

Federal Labour Act

Article 3. . . . no distinctions shall be made between workers on grounds of race, sex, age, religious creed, political doctrine or social status.

Netherlands

[*Original: English*]

Constitution

Article 1. All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or any other grounds whatsoever shall not be permitted.

The right to elect members of a municipal council and the right to be a member of a municipal council may be granted by Act of Parliament to residents who are not Dutch nationals provided they fulfil at least the requirements applicable to residents who are Dutch nationals.

Penal Code

Section 137.

. . .

(*c*) Any person who by means of the spoken or written word or pictorially gives deliberate public expression to views insulting to other persons or groups on account of their race, religion or conviction shall be liable to a

term of imprisonment not exceeding one year or to a fine not exceeding 10,000 guilders;

(*d*) Any person who by means of the spoken or written word or pictorially deliberately and publicly incites to hatred of or discrimination against other persons or to violence against persons or the property of others on account of their race, religion or conviction shall be liable to a term of imprisonment not exceeding one year or to a fine not exceeding 10,000 guilders.

(*e*) 1. Any person who for reasons other than the provision of factual information:

(i) Makes public an utterance which he knows or has reasonable cause to suspect is insulting to another group of persons on account of their race, religion or conviction or which incites to hatred of or discrimination against other persons or to violence against the person or property of others on account of their race, religion or conviction; or

(ii) Distributes any object which he knows or has reasonable cause to suspect contains such an utterance or has in his possession any such object with the intention of distributing it or making it public

shall be liable to a term of imprisonment not exceeding six months or to a fine not exceeding 5,000 guilders.

2. Any person committing in the course of his occupation or profession any of the offences specified under this Section within five years of a conviction for a similar offence may be disqualified from the further pursuance of that occupation or profession.

Section 429.

. . .

(3) Any person who participates in, or provides financial or other material support for, activities directed towards discrimination against persons on account of their race shall be liable to a term of imprisonment not exceeding two months or a fine not exceeding 2,000 guilders.

(4) Any person who, in the exercise of a profession or business, distinguishes between persons on the grounds of race shall be liable to a term of detention not exceeding one month or a fine not exceeding 10,000 guilders.

Labour (Collective Agreements) Act of 24 December 1927 (as amended)

A provision whereby an employer is obliged not to employ, or to employ exclusively, workers of a certain race has been declared null and void.

At present only those members of ethnic minority groups who have Dutch nationality can join the civil and public services. This condition, laid down in the Act of 4 June 1858, *Staatsblad* (Bulletin of Acts, Orders and Decrees) 58, applies to all jobs in the public sector. A Bill amending this Act so as to allow the appointment of people who are not Dutch nationals to some sectors of the public service is expected to reach Parliament some time in 1984. This will apply, for example, to railway workers and prison officers.

Act of 28 June 1956 Governing Economic Competition (as amended)

Section 9 (a) 1. Any provision in a competition agreement which has the effect of causing discrimination against persons on account of their race shall not be binding.

Primary Education Act

Where there is a living, regional language in addition to Dutch, the subjects "reading" and "Dutch" shall be extended to include some knowledge of the regional language and that the curriculum for schools in Friesland shall include the subject "Frisian".

New Zealand

[*Original: English*]

Race Relations Act of 1971

Section 3. Access by the public to places, vehicles and facilities. (1) It shall be unlawful for any person:

(*a*) To refuse to allow any other person access to or use of any place or vehicle which members of the public are entitled or allowed to enter or use; or

(*b*) To refuse any other person the use of any facilities in that place or vehicle which are available to members of the public; or

(*c*) To require any other person to leave or to cease to use that place or vehicle or those facilities

by reason of the colour, race, or ethnic or national origins of that person or of any relative or associate of that person.

(2) For the purpose of this Act, the term "relative", in relation to any person, means any person who

(*a*) Is related to him by blood, marriage, affinity, or adoption; or

(*b*) Is wholly or mainly dependent on him; or

(*c*) Is a member of his household.

(3) In this section the term "vehicle" includes a vessel, an aircraft or a hovercraft.

Section 4. Provision of goods and services. (1) It shall be unlawful for any person who supplies goods, facilities, or services to the public or to any section of the public:

(*a*) To refuse or fail on demand to provide any other person with those goods, facilities, or services; or

(*b*) To provide any other person with those goods, facilities, or services on less favourable terms or conditions than those upon or subject to which he would otherwise make them available

by reason of the colour, race, or ethnic or national origins of that person or of any relative of that person as defined in section 3 of this Act or of any associate of that person . . .

(2) For the purposes of subsection (1) of this section, but without limiting the meaning of the terms goods, facilities, and services in that subsection, the term "facilities" includes facilities by way of banking or insurance or for grants, loans, credit, or finance.

Section 5. Employment. (1) It shall be unlawful for any [person who is an] employer, or any person acting or purporting to act on behalf of any [person who is an] employer:

(*a*) To refuse or omit to employ any person on work of any description which is available and for which that person is qualified; or

[(*b*) To refuse or omit to offer or afford any person the same terms of employment, conditions of work, fringe benefits, and opportunities for training, promotion, and transfer as are made available for persons of the same or substantially similar qualifications employed in the same or substantially similar circumstances on work of that description; or

(*c*) To dismiss any person, or subject any person to any detriment, in circumstances in which other persons employed by that employer on work of that description are not or would not be dismissed or are not or would not be subjected to such detriment]

by reason of the colour, race, or ethnic or national origins of that person or of any relative of that person as defined in section 3 of this Act or of any associate of that person.

(2) It shall be unlawful for any person concerned with procuring employment for other persons or procuring employees for any employer to treat any person seeking employment differently from other persons in the same [or substantially similar] circumstances by reason of the colour, race, or ethnic or national origins of that person or of any relative of that person as defined in section 3 of this Act or of any associate of that person.

(3) Nothing in this section shall apply in respect of the employment of any person for any purpose for which persons of a particular ethnic or national origin have or are commonly found to have a particular qualification or aptitude.

(4) Nothing in this section shall apply in respect of any restrictions on the employment of persons on work involving the national security of New Zealand by reference to their national origin or to the national origin of any relative (as defined in section 3 of this Act).

(5) Nothing in this section shall apply to the employment or an application for employment of a person on a ship or aircraft, not being a New Zealand ship or aircraft, if the person employed or seeking employment was engaged or applied for it outside New Zealand.

[(6) For the purpose of this section "employer" includes

(*a*) The employer of an independent contractor; and

(*b*) The person for whom work is done by contract workers pursuant to a contract between that person and the person who supplies those contract workers;

and "employment" has a corresponding meaning.]

Section 6. Land, housing, and other accommodation. (1) It shall be unlawful for any person, on his own behalf or on behalf or purported behalf of any principal:

(*a*) To refuse or fail to dispose of any estate or interest in land or any residential or business accommodation to any other persons; or

(*b*) To dispose of such an estate or interest or such accommodation to any person on less favourable terms and conditions than are or would be offered to other persons; or

(*c*) To treat any person who is seeking to acquire or has acquired such an estate or interest or such accommodation differently from other persons in the same circumstances; or

(*d*) To deny any person, directly or indirectly, the right to occupy any land or any residential or business accommodation; or

(*e*) To terminate any estate or interest in land or the right of any person to occupy any land or any residential or business accommodation

by reason of the colour, race, or ethnic or national origins of that person or of any relative of that person as defined in section 3 of this Act or of any associate of that person.

(2) It shall be unlawful for any person, on his own behalf or on behalf or purported behalf of any principal, to impose or seek to impose on any other person any terms or conditions which limit, by reference to colour, race, or ethnic or national origins, the persons or class of persons who may be the licensees or invitees of the occupier of any land or any residential or business accommodation.

(3) For the purposes of this section "dispose" includes sell, assign, lease, let, sublease, sublet, license, or mortgage, and agree to dispose; "residential accommodation" includes accommodation in a dwelling-house, flat, hotel, motel, boarding-house, or camping ground.

Section 7. Advertisements. It shall be unlawful for any person to publish or display, or cause to allow to be published or displayed, any advertisement or notice which indicates, or could reasonably be understood as indicating, an intention to commit a breach of any of the provisions of sections 3 to 6 of this Act.

Section 9. Measures to ensure equality. Anything done or omitted which would otherwise constitute a breach of any of the provisions of sections 4 to 7 of this Act shall not constitute such a breach if:

(*a*) It is done or omitted in good faith for the purpose of assisting or advancing particular persons or groups of persons, being in each case persons of a particular colour, race, or ethnic or national origin; and

(*b*) Those groups or persons need or may reasonably be supposed to need assistance or advancement in order to achieve an equal place with other members of the community.

Section [*9A. Racial disharmony.* (1) It shall be unlawful for any person:

(*a*) To publish or distribute written matter which is threatening, abusive, or insulting, or to broadcast by means of radio or television words which are threatening, abusive, or insulting; or

(*b*) To use in any public place (as defined in section 40 of the Police Offences Act 1927), or within the hearing of persons in any such public place, or at any meeting to which the public are invited or have access, words which are threatening, abusive, or insulting,

being matter or words likely to excite hostility or ill will against, or bring into contempt or ridicule, any group of persons in New Zealand on the

ground of the colour, race, or ethnic or national origins of that group of persons.

(2) For the purposes of this section, the terms "publishes", "distributes", and "written matter" have the respective meanings given to them by section 25 (2) of this Act.]

Section 13. Functions of Conciliator. (1) The principal functions of the Conciliator shall be:

(*a*) To investigate . . . any act or omission or any practice which is or appears to be a breach of any of the provisions of sections 3 to 7 [or 9A] of this Act.

. . .

[(2) The conciliator may commence an investigation under subsection (1) (*a*) above either on complaint made to him or of his own motion.]

Human Rights Commission Act of 1977

Section 26. Educational establishments. (1) It shall be unlawful for an educational establishment, or the authority responsible for the control of an educational establishment,

(*a*) To refuse or fail to admit a person as a pupil or student; or

(*b*) To admit him on less favourable terms and conditions that would otherwise be made available; or

(*c*) To deny or restrict access to any benefits or services provided by the establishment; or

(*d*) To exclude him or subject him to any other detriment

by reason of the colour, race, ethnic or national origins, sex, marital status, or religious or ethical belief of that person or of the colour, race, or ethnic or national origins of any relative or associate of that person.

(2) An educational establishment maintained wholly or principally for students of one sex, race, colour, or religious belief, or the authority responsible for the control of any such establishment, does not commit a breach of this section by refusing to admit students of a different sex, race, colour, or religious belief.

(3) In this section "education establishment" includes an establishment offering any form of technical training or instruction.

Section 27. Discrimination by subterfuge. Where a requirement or condition which is not apparently in contravention of any provision of this part of this Act has the effect of giving preference to a person of a particular colour, race, ethnic or national origin, sex, marital status, or religious or ethnical belief in a situation where such preference would be unlawful under

any other provision of this part of this Act, the imposition of that condition or requirement shall be unlawful under that provision unless the person imposing it establishes good reason for its imposition and shows that its imposition is not a subterfuge to avoid complying with that provision.

Human Rights Commission Amendment Act of 1983

Section 21. Procedure after investigation. The Race Relations Act (1971) is hereby amended by repealing section 17, and substituting the following section:

17. (1) Where the Conciliator, after making any investigation under this Act, is of the opinion

(*a*) In the case of complaint, that the complaint has substance, he shall use his best endeavours to secure a settlement between any parties concerned and, if he considers it appropriate, a satisfactory assurance against the repetition of any act or omission that was the subject matter of the investigation or the doing of further acts or omissions of a similar kind by the person concerned; or

(*b*) In any other case, that the matter ought to be proceeded with, he shall use his best endeavours to secure such an assurance as aforesaid.

(2) If the Conciliator is unable to secure such a settlement and assurance, or, as the case may be, such an assurance as aforesaid, or if it appears that the act or omission was done in contravention of such an assurance given on a previous occasion, or that any term of such a settlement has not been complied with, he may take proceedings under section 38 of the Human Rights Commission Act 1977 against the person against whom the complaint was made or in respect of whom the investigation was conducted, and all the provisions of that section and of section 40 of that Act shall apply accordingly with all necessary modifications.

(3) The Conciliator shall not take proceedings against a person referred to in subsection (2) of this section unless he has given that person an opportunity to be heard.

(4) Not withstanding subsections (2) and (3) of this section, the aggrieved person (if any) may himself bring proceedings before the Equal Opportunities Tribunal if he wishes to do so

. . .

Section 24. Access by the public to places, vehicles and facilities

(1) Every person commits an offence who

(*a*) Refuses to allow any other person access to or use of any place or vehicle which members of the public are entitled or allowed to enter or use; or

(*b*) Refuses any other person the use of any facilities in that place or vehicle which are available to members of the public; or

(*c*) Requires any other person to leave or to cease to use that place or vehicle or those facilities

by reason of the colour, race, or ethnic or national origins of that person or of any relative of that person as defined in section 3 of this Act or of any associate of that person.

(2) Every person who commits an offence against this section is liable on summary conviction to a fine not exceeding [$1,000].

Section 25. Inciting racial disharmony. (1) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding [$1,000] who with intent to excite hostility or ill-will against, or bring into contempt or ridicule, any group of persons in New Zealand on the ground of the colour, race, or ethnic or national origins of that group of persons

(*a*) Publishes or distributes written matter which is threatening, abusive or insulting, or broadcasts by means of radio or television words which are threatening, abusive, or insulting; or

(*b*) Uses in any public place (as defined in section 40 of the Police Offences Act 1927), or within the hearing of persons in any such public place, or at any meeting to which the public are invited or have access, words which are threatening, abusive, or insulting,

being matter or words likely to excite hostility or ill-will against, or bring into contempt or ridicule, any such group of persons in New Zealand on the ground of the colour, race, or ethnic or national origins of that group of persons.

(2) For the purposes of this section "publishes" or "distributes" means publishes or distributes to the public at large or to any member or members of the public; "written matter" includes any writing, sign, visible representation, or sound recording.

Section 26. No prosecution without Attorney-General's consent. No prosecution for an offence against section 24 or section 25 of this Act shall be instituted without the consent of the Attorney-General.

Section 27. Condition in restraint of marriage. (1) A condition, whether oral or contained in a deed, will, or other instrument, which restrains or has the effect of restraining marriage shall be void if the person or class of person whom the person subject to the condition may or may not

marry is identified or defined, expressly or by implication, by reference to the colour, race, or ethnic or national origins of the person or class of person.

Nigeria

[*Original: English*]

Constitution

Article 17. (1) The State social order is founded on ideals of freedom, equality and justice.

(2) In furtherance of the social order:

(*a*) Every citizen shall have equality of rights, obligations and opportunities before the law;

(*b*) The sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced;

. . .

(*e*) The independence, impartiality and integrity of courts of law, and easy accessibility thereto shall be secured and maintained.

(3) The State shall direct its policy towards ensuring that:

(*a*) All citizens without discrimination on any ground whatsoever have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;

(*b*) Conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;

(*c*) The health, safety and welfare of all persons in employment are safeguarded and not endangered or abused;

(*d*) There are adequate medical and health facilities for all persons;

(*e*) There is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever;

Article 19. The State shall promote African unity, as well as total political, economic, social and cultural liberation of Africa and all other forms of international co-operation conducive to the consolidation of universal peace and mutual respect and friendship among all peoples and States, and shall combat racial discrimination in all its manifestations.

Article 30. (1) Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.

Article 31. (1) Every individual is entitled to respect for the dignity of his person, and accordingly:

(*a*) No person shall be subjected to torture or to inhuman and degrading treatment;

(*b*) No person shall be held in slavery or servitude; and

(*c*) No person shall be required to perform forced or compulsory labour.

Article 33. (1) In the determination of his civil rights and obligations, including any question or determination by or against any Government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.

Article 34. The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected.

Article 35. (1) Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if such instruction, ceremony or observance relates to a religion other than his own, or a religion not approved by his parent or guardian.

(3) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.

Article 36. (1) Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.

Article 37. Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests:

Provided that:

(*a*) The provisions of this section shall not derogate from the powers conferred by this Constitution on the Federal Electoral Commission with respect to political parties to which that Commission does not accord recognition; and

(*b*) A person elected to a legislative house as a candidate who was not sponsored by any political party shall not be entitled to join or declare himself

to be a member of a political party until the general election next following his election as such candidate.

Article 39. (1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person

(*a*) Be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the Government to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions, or political opinions are not made subject; or

(*b*) Be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.

(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

(3) Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member of the armed forces of the Federation or a member of the Nigeria Police Force or to an office in the service of a body corporate established by any law in force in Nigeria.

Article 42. (1) Any person who alleges that any of the provisions of this chapter has been, is being or likely to be contravened in any state in relation to him may apply to a High Court in that state for redress.

(2) Subject to the provisions of this Constitution, a High Court shall have original jurisdiction to hear and determine any application made to it in pursuance of the provisions of this section and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement within that state of any rights to which the person who makes the application may be entitled under this chapter.

Norway

[*Original: English*]

Penal Code

Section 135 (a). Anyone who threatens, insults or exposes any person or group of persons to hatred, persecution or contempt on account of their religion, race, colour or national or ethnic origin by means of a public utterance or by other means of communication brought before, or in any other way disseminated among, the general public, shall be punished by fines or imprisonment up to two years. The same applies to anyone levelling such insults against a person or group on account of their homosexual inclinations, way of life or orientation.

Anyone who incites to, or aids and abets in, the commission of an offence referred to in the first paragraph, shall be punished in the same way.

Section 349 (a). Anyone engaged in gainful activity and who, on account of a person's religion, race, colour or national or ethnic origin, refuses such a person goods or services on such terms as are applicable to others, shall be punished by fines or imprisonment up to 6 months. Anyone engaged in such activity, and who refuses a person goods or services as mentioned above on account of his homosexual inclination, way of life or orientation shall be punished in the same manner.

Anyone who, on such grounds as are referred to in the first paragraph, refuses a person admittance to a public performance or display or other public gathering on such terms as are applicable to others, shall be punished in the same way.

Anyone who incites to, or aids and abets in, the commission of an offence referred to in the first or second paragraphs, shall be punished in the same way.

Pakistan

[*Original: English*]

Constitution

Article 25. (1) All citizens are equal before law and are entitled to equal protection of law.

(2) There shall be no discrimination on the basis of sex alone.

(3) Nothing in this article shall prevent the State from making any special provision for the protection of women and children.

Article 26. (1) In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence or place of birth.

(2) Nothing in clause (1) shall prevent the State from making any special provision for women and children.

Article 27. (1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth.

Penal Code

Section 153 A. Whoever:

(*a*) By words, either spoken or written, or by signs, or by visible representations or otherwise, promotes or incites, or attempts to promote or incite, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or castes or communities; or

(*b*) Commits, or incites any other person to commit, any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities or any group of persons identifiable as such on any ground whatsoever and which disturbs or is likely to disturb public tranquillity; or

(*c*) Organizes, or incites any other person to organize, any exercise, movement, drill or other similar activity intending that the participants in any such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in any such activity will use or be trained to use criminal force or violence, or participates or incites any other person to participate, in any such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in any such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community or any group of persons identifiable as such on any ground whatsoever and any such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,

shall be punished with imprisonment for a term which may extend to five years and with fine.

Section 505 (1).

. . .

(*c*) Whoever makes, publishes or circulates any statement rumour or report

(1) With intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment for a term which may extend to seven years and with fine.

(2) Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment for a term which may extend to seven years and with fine.

Panama

[*Original: Spanish*]

Constitution

Article 19. There shall be no personal privileges or distinctions or discrimination because of race, birth, social class, sex, religion or political ideas.

Article 20. Panamanians and aliens are equal before the law, but the latter, for reasons of work, health, morality, public security and the national economy, may subject aliens in general to specific conditions or deny them the exercise of specific activities.

Article 60. Work is a right and duty of the individual.

Article 63. An equal wage or salary shall always be paid for equal work under identical conditions, regardless of the person who performs it, without distinction as to sex, nationality, age, race, social class or political or religious ideas.

Article 90. . . . all education is public in the sense that all educational establishments, official or private, are open to all students without distinction as to race, social position, political ideas, religion or the nature of the union of their parents or guardians.

Article 123. The State shall guarantee to indigenous communities the reservation of necessary lands and the collective ownership thereof, to ensure their economic and social welfare. The law shall regulate the procedures to be followed for this purpose, and the boundaries within which the private appropriation of land is prohibited.

Article 133. It is not lawful to form parties that are based on sex, race or religion or seek to overthrow the democratic form of government.

Penal Code

Article 126. Any person who, through violence, threats or creating a disturbance, wholly or partially impedes the exercise of political rights of any kind shall be punished by imprisonment for a period of 20 days to 20 months and a fine of 15 to 150 balboas, provided that no special provision of the law is made for the action in question.

If the guilty party is a public official who commits the aforesaid offence by exceeding his duties, the penalty shall be 8 to 40 months' imprisonment, except in the cases provided for in the constitution.

Article 139. Any person who resorts to violence or threats in order to compel someone to perform, tolerate or omit to perform a particular act shall be punished by imprisonment for a period of 10 days to six months and a fine of 10 to 100 balboas. If the violence or threats produce the desired result, the penalty shall be increased by a third.

Article 310. Anyone who directs or participates in an international organization for the purpose of trafficking in persons or drugs shall be liable to imprisonment for a period of 10 to 15 years.

Anyone who commits acts violating the human rights recognized in agreements signed by Panama shall be liable to the same penalty.

Article 311. Anyone who participates in the total or partial destruction of a particular group of human beings, for reasons of their nationality, race or religious or political beliefs, shall be liable to imprisonment for a period of 15 to 20 years.

The same penalty shall apply to anyone who, in order totally or partially to destroy a particular group of persons for the reasons set out in the preceding paragraph, commits any of the following acts:

(1) Causing physical or psychological injury to members of such groups;

(2) Placing such groups in precarious conditions;

(3) Preventing births; and

(4) Transferring, by force or intimidation, children from one of such groups to other groups.

Article 313. Anyone who prevents or disturbs the fulfilment of agreements or treaties concluded and ratified by the Republic, so as to compromise the responsibility of Panama, shall be liable to imprisonment for a period of one to three years.

Judicial Code

Article 1994. Any person may bring a criminal action as a plaintiff for a crime or offence committed against him, his relatives in the second degree of consanguinity or affinity, or anyone under his guardianship or for whom he acts as legal representative.

Article 1995. Without prejudice to the provision embodied in the preceding article, no person who does not enjoy full civil rights may bring a criminal action.

Electoral Code

Article 103. Political parties shall not:

(1) Discriminate in admitting members on grounds of race, sex, religious belief, culture or social status.

Act No. 38 of 22 October 1980

Article 2. Every co-operative association shall strictly comply with this law and with the following co-operative principles:

(*a*) Open and voluntary membership without any form of political, religious or social discrimination . . .

Act No. 23 of 21 October 1983

Article 81. The peasant organizations governed by this Law shall include in their statutes the principles of free adherence, of functional democracy and of respect for the political and religious beliefs of their members, irrespective of their colour, race or social status.

Act No. 11 of 8 June 1981, reorganizing the University of Panama

Article 57. Students of the University shall have equality of opportunity. Their entry and continued presence in the University shall be subject only to their fitness for higher studies and their performance of their duties as students, in accordance with the Statute and regulations of the University.

Organic statute of the National Vocational Training Institute (INAFORP), set up by Act No. 18 of 29 September 1983

Article 6. INAFORP shall include in its vocational training programme young farmers and adult agricultural producers and shall ensure that vocational training activities are carried out on the basis of freedom of choice and equality of opportunity without any discrimination whatsoever.

Act No. 5 of 10 February 1978, establishing measures concerning electoral matters and popular elections

Article 18. The following shall be punished by imprisonment for a period of one to twelve months or a fine of one hundred to one thousand balboas and disqualification from public office for one to three years:

. . .

Paragraph 3. Any person who, through threats, violence, insults or abuse, impedes freedom of suffrage or intimidates an elector before or after he has exercised his right to vote;

Act No. 18 of 1982, adopting the Penal Code now in force in title III on crimes against honour, under chapter I relating to calumny and detraction, as amended by Act No. 7 of 1984

Article 172. Anyone who, through word, deed or written communication offends the dignity or honour of a person, shall be liable to imprisonment for a period of 2 to 4 years.

Poland

[*Original: English*]

Constitution

Article 67.

. . .

2. Citizens of the Polish People's Republic shall have equal rights irrespective of sex, birth, education, trade or profession, nationality, race, religion, social origin and status.

Article 81.1. Citizens of the Polish People's Republic, irrespective of nationality, race or religion, shall enjoy equal rights in all fields of public, political, economic, social and cultural life. Infringement of this principle by any direct or indirect preferences or restrictions of rights on account of nationality, race or religion shall be punishable.

Penal Code

Article 272. Whoever in public advocates discord on the basis of national ethnic, racial or religious differences or in public extols such discord shall be subject to the penalty of deprivation of liberty for from six months to five years.

Article 273. 1. Whoever does an act specified in articles 270 to 272 using the press or other media of mass communication shall be subject to the penalty of deprivation of liberty for from one to ten years.

2. Whoever with the purpose of disseminating, produces, stores, transports, transfers or dispatches written, printed or other objects, comprising a content specified in articles 270 to 272, shall be subject to the penalty of deprivation of liberty for from six months to five years.

3. When sentencing for an offence specified in paragraphs 1 or 2 the court may order the forfeiture of the instruments or other objects which have served or were designed for the commission of the offence, even if they are not owned by the perpetrator.

Article 274. 1. Whoever publicly insults, scoffs at or degrades a group of people or an individual person by reason of their national, ethnic or racial affiliation shall be subject to the penalty of deprivation of liberty for up to three years.

2. Whoever commits an active assault against a human being for a reason specified in paragraph 1 shall be subject to the penalty of deprivation of liberty for from six months to five years.

Portugal

[*Original: English/French*]

Constitution

Article 4. All persons are Portuguese citizens who are considered as such by law or under an international convention.

Article 8. 1. The rules and principles of general or ordinary international law shall be an integral part of Portuguese law.

2. Rules derived from international conventions duly ratified or approved shall, following their official publication, apply internal law in so far as they are internationally binding on the Portuguese State.

3. Rules issued by the competent organs of international organizations to which Portugal belongs shall apply directly in internal law as long as this is expressly laid down in the respective constitutive treaties.

Article 9. The basic tasks of the State shall be:

. . .

(*d*) To promote the people's welfare and quality of life, real equality among the Portuguese and the realization of economic, social and cultural rights by transforming the economic and social structures, namely by socializing the principal means of production, and to abolish the exploitation of man by man.

Article 13. 1. All citizens shall have the same social dignity and shall be equal before the law.

2. No one shall be privileged, favoured, injured, deprived of any right or exempt from any duty because of his ancestry, sex, race, language, territory of origin, religion, political or ideological convictions, education, economic situation or social condition.

Article 15. 1. Foreigners and stateless persons sojourning or residing in Portugal shall enjoy the same rights and be subject to the same duties as Portuguese citizens.

2. The foregoing paragraph shall not apply to political rights, to the performance of public duties that are not predominantly technical or to rights and duties restricted to Portuguese citizens under the Constitution and by law.

3. Citizens of Portuguese-speaking countries may, by international convention and subject to reciprocity, be granted rights not conferred on foreigners in general, with the exception of membership of the organs of supreme authority and the organs of the autonomous regions, service in the armed forces and membership of the diplomatic service.

Article 18. 1. The constitutional provisions relating to rights, freedoms and safeguards shall be directly applicable and binding on public and private bodies.

2. Rights, freedoms and safeguards may be restricted by law in only those cases expressly provided for in the Constitution. Restrictions shall be limited to what is necessary to safeguard other rights or interests protected by the Constitution.

3. Laws restricting rights, freedoms and safeguards shall be general and abstract in character, shall not have retroactive effects and shall not limit in extent and scope the essential content of constitutional provisions.

Article 22. The State and other public bodies shall be jointly and severally liable under civil law with the members of their organs, their officials or their staff members, for actions or omissions in the exercise of their functions, or caused by such exercise which result in violations of rights, freedoms or safeguards or in damage to another party.

Article 23. 1. Citizens may present complaints concerning actions or omissions on the part of the public authorities to the Ombudsman who shall examine them without power of decision and shall make such recommendations to the appropriate organs as are necessary in order to prevent or make good injustice.

2. The activities of the Ombudsman shall be independent of any acts of grace or legal remedies provided for in the Constitution and laws.

3. The Ombudsman shall be appointed by the Assembly of the Republic.

Article 24. 1. Human life shall be inviolable.

2. In no case shall the death penalty be applicable.

Article 27. 1. Everyone shall have the right to freedom and security.

2. No one shall be deprived of his freedom in whole or in part except as a result of a court judgement convicting him of an offence punishable by law by a prison sentence or as a result of judicial application of a security measure.

3. An exception to this principle shall be deprivation of freedom in the following cases for a period and on conditions to be laid down by law:

(*a*) Remand in custody, where a person is taken *in flagrante delicto*, or where there is strong evidence that he has committed a deliberate offence punishable by a major sentence;

(*b*) The arrest or detention of a person who has unlawfully entered or stayed in the national territory or against whom extradition or deportation proceedings have been instituted;

(*c*) Disciplinary imprisonment of military, who are guaranteed the right to appeal to the competent court;

(*d*) Subjection of a minor to measures of protection, assistance or education in a suitable establishment, decided by the competent court;

(*e*) Detention by court order due to disobedience to a court order or to ensure appearance before the competent judicial authority.

4. Everyone deprived of his freedom shall be informed at once of the reasons for his arrest or detention.

5. Any deprival of freedom in violation of the provisions of the Constitution shall result in the State having the duty to compensate the aggrieved party in accordance with what is laid down by law.

Article 29. 1. No one shall be convicted under criminal law except by virtue of existing legislation making the action or omission punishable, and no one shall be subjected to a security measure involving deprivation of freedom for reasons that do not warrant such a measure under existing legislation.

2. The foregoing paragraph shall not prevent the punishment, within the limits of municipal law, of an action or omission which at the time it was committed was regarded as criminal by virtue of the commonly accepted general principles of international law.

3. No sentences or security measures shall be applied that are not expressly provided for in previous laws.

4. No one shall be subjected to a sentence or security measure that is more severe than those provided for at the time the act was committed or the plans therefor were laid. Criminal laws more favourable to the offender shall apply retroactively.

5. No one shall be tried more than once for the same offence.

6. Citizens who have been unjustly convicted shall have the right, under conditions to be laid down by law, to have their sentences reviewed and to be compensated for losses suffered.

Article 31. 1. The remedy of habeas corpus shall be available before a court of law or court martial, according to the case, against any wrongful use of power in the form of unlawful detention.

2. Habeas corpus may be demanded by the prisoner or by any citizen in enjoyment of his political rights.

3. The court shall rule on the application for habeas corpus within eight days at a hearing in the presence of both parties.

Article 36. 1. Everyone shall have the right to found a family and marry on terms of complete equality.

2. The conditions for and effects of marriage and its dissolution by death or divorce shall be regulated by law without regard to the form of solemnisation.

3. Husbands and wives shall have equal rights and duties with regard to civil and political capacity and the maintenance and education of their children.

4. Children born out of wedlock shall not for that reason be the subject of discrimination; discriminatory designations of filiation shall not be used by the law or by Government departments.

5. Parents shall have the right and duty to bring up their children.

6. Children shall not be separated from their parents unless the latter fail to perform their fundamental duties towards the former, and then only by judicial decision.

7. Adoption shall be regulated and protected in accordance with the law.

Article 37. 1. Everyone snall have the right to express and make known his or her thoughts freely by words, images or any other means, and also the right to inform, obtain information and be informed without hindrance or discrimination.

2. The exercise of these rights shall not be prevented or restricted by any type or form of censorship.

3. Offences committed in the exercise of these rights shall be punishable under the general principles of criminal law, the courts of law having jurisdiction to try them.

4. The right of reply and rectification and the right to compensation for losses suffered shall be equally and effectively secured to all natural and artificial persons.

Article 38. 1. Freedom of the press shall be safeguarded.

2. Freedom of the press shall involve freedom of expression and creation for journalists and literary contributors and a place for the former in giving ideological orientation to information organs not belonging to the State to political parties or to religious groups, without any other sector or group of workers having power to exercise censorship or prevent free creativity.

3. Freedom of the press shall involve the right of journalists to elect editorial councils, to have access to sources of information and to protection of their professional independence and secrecy in accordance with the law.

4. Freedom of the press shall involve the right to found newspapers and any other publications without prior administrative authority, deposit or qualification.

5. Periodicals and non-periodical publications may belong to natural persons, non-profit-making bodies corporate or journalistic enterprises and publishing houses in company form. The law shall ensure, in a general way, divulgation of the ownership and forms of financing of periodicals.

6. No administrative or fiscal system, credit policy or foreign trade policy shall directly or indirectly affect freedom of the press and the independence of information organs against political and economic powers. It shall be the duty of the State to ensure the said freedom and independence, to prevent the concentration of journalistic enterprises, namely through multiple or interlocking financial interests, and to promote non-discriminatory measures to aid the press.

7. The television shall not be privately owned.

8. Radio stations shall operate only if they obtain a licence to be granted in accordance with the law.

Article 44. 1. The right of all citizens to travel and to settle freely anywhere in the national territory shall be safeguarded.

2. The right to emigrate or leave the national territory and the right to return to it shall be secured to everyone.

Article 46. 1. Citizens shall have the right to form associations freely and without requiring any authorization provided such associations are not intended to promote violence and their objectives are not contrary to the criminal law.

2. Associations may pursue their objectives freely without interference by any public authority. They shall not be dissolved by the State and their activities shall not be suspended except by judicial decision in the cases provided by law.

3. No one shall be obliged to join any association or forced by any means to remain in it.

4. Armed, military-type, militarized or paramilitary associations outside the State and the Armed Forces and organizations which adopt Fascist ideology shall not be permitted.

Article 47. 1. Everyone shall have the right to choose freely his or her occupation or type of work, except for legal restrictions laid down in the public interest or inherent to his or her own capacity.

2. All citizens shall have the right to enter the civil service under conditions of equality and freedom, generally through public competitions.

Article 48. 1. All citizens shall have the right to take part in political life and the control of the country's public affairs, either directly or through freely elected representatives.

2. Every citizen shall have the right to objective information about acts of State and other public bodies and to be informed by the Government and other authorities about the management of public affairs.

Article 50. 1. All citizens shall have the right to hold public office under conditions of equality and freedom.

2. No one shall be prejudiced in his or her assignment to a specific post, employment, professional career or the social benefits to which he or she has a right, because of the exercise of political rights or the holding of public office.

Article 52. 1. All citizens may individually or collectively submit to the organs of supreme authority or to any authority whatsoever petitions, representations, claims or complaints in defence of their rights, the Constitution, the laws or the general interest.

2. The right to popular action in the cases and on the conditions provided for by law shall be recognized.

Article 56. 1. Workers shall be free to form trade unions, and conditions and safeguards for the building of their unity in defence of their rights and interests.

2. In the exercise of trade union freedom the following freedoms shall be safeguarded for workers without discrimination:

(*a*) Freedom to set up trade union associations at all levels;

(*b*) Freedom of membership, no worker being required to pay dues to a trade union of which he is not a member;

(*c*) Freedom in the organization and internal regulation of trade union associations;

(*d*) The right to engage in trade union activity within the enterprise;

(*e*) The right to different tendencies, in ways to be determined by the statutes thereof.

3. Trade union associations shall be governed by the principles of democratic organization and management, based on regular elections to their governing bodies by secret ballot. They shall not be subject to any authorization or recognition, their foundation being active participation by the workers in all aspects of trade union activity.

4. Trade union associations shall be independent of employers, the State and religious denominations. Adequate safeguards for such independence shall be laid down by law as the foundation of the unity of the working classes.

5. Trade union associations shall have the right to establish relations with or to join international trade union organizations.

6. The law shall secure adequate protection to the elected representatives of the workers against any form of constraint, coercion or limitation of the legitimate performance of their duties.

Article 59. 1. Everyone shall have the right to work.

2. The duty to work is inseparable from the right to work, except for those persons whose capacities have been diminished by age, sickness or disability.

3. It shall be the duty of the State, by implementing plans for economic and social policy, to safeguard the right to work, ensuring:

(*a*) The implementation of full employment policies;

(*b*) Equality of opportunity in the choice of occupation or type of work and conditions preventing access to any post, work or professional category being prohibited or restricted by reason of a person's sex;

(*c*) Cultural, technical and vocational training for workers.

Article 60. 1. All workers, regardless of their age, sex, race, nationality, land of origin, religion and political or ideological convictions, shall be entitled to:

(*a*) Remuneration for their work according to its quantity, nature and quality, on the principle of equal pay for equal work, so as to secure to them an appropriate livelihood;

(*b*) The organization of work in conditions making for dignity so as to permit personal self-fulfilment;

(*c*) Safe and healthy working conditions;

(*d*) Rest and recreation, a limit to the length of the working day, a weekly rest day and holidays with pay;

(*e*) Material assistance when they are involuntarily unemployed.

2. It shall be the duty of the State to secure the conditions of work, remuneration and rest to which workers are entitled, in particular by:

(*a*) Fixing and keeping up to date a national minimum wage and maximum wage, having regard among other factors to workers' needs, the increase in the cost of living, the degree of development of the forces of production, economic and financial stability and the formation of capital for development;

(*b*) Setting limits on the length of working time at the national level;

(*c*) Special protection at work for women during pregnancy and after childbirth, for minors, for disabled persons and for those engaged in activities requiring particular effort or working in unhealthy, poisonous or dangerous conditions;

(*d*) Systematic development of a network of rest and holiday centres, in co-operation with welfare organizations;

(*e*) Protecting the working conditions and safeguarding social benefits of emigrant workers.

Article 62. 1. Everyone shall have a secure right to private property and to its transfer during life or by death in accordance with the Constitution.

2. The requisition or expropriation of property for public purposes shall be carried out in accordance with the law and, apart from the cases provided for in the Constitution, shall be subject to the payment of fair compensation.

Article 63. 1. Everyone shall be entitled to social security.

2. It shall be the duty of the State to organize, co-ordinate and subsidize a unified and decentralized system of social security with the agreement and participation of the trade union associations, other organizations representing the workers and associations representing other beneficiaries.

3. The organization of the social security system shall be without prejudice to the existence of private non-profit-making friendly societies aimed at pursuing the social security objectives mentioned in this article, in article 67 (2) (*b*), in article 69, in article 70 (1) (*d*) and in articles 71 and 72, which shall be permitted, regulated by law and subject to State supervision.

4. The social security system shall protect citizens in sickness, old age, disability, widowhood, orphancy, unemployment and all other situations in which the means of subsistence or capacity to work are lost or reduced.

Article 64 1. Everyone shall have the right to protection of his health and the duty to defend and foster it.

2. The right to health protection shall be met by the establishment of a universal, general and free national health service, the creation of economic, social and cultural conditions securing the protection of children, the young and the old, the systematic improvement of living and working conditions, the promotion of physical culture and sports in schools and for the population at large and the development of health education among the people.

3. In order to safeguard the right to health protection, the State shall give priority to:

(*a*) Securing access to preventive and curative medicine and rehabilitation by all citizens, regardless of their economic situation;

(*b*) Providing the whole country with rational and effective medical and hospital coverage;

(*c*) Directing its work towards the socialization of medicine and the medico-pharmaceutical sectors;

(*d*) Controlling and supervising medicine practised in partnership and privately and co-ordinating it with the national health service;

(*e*) Controlling and supervising the production, marketing and use of chemical, biological and pharmaceutical products and other means of treatment and diagnosis.

4. The national health service shall have decentralized management in which the beneficiaries take part.

Article 65. 1. Everyone shall have the right for himself and his family to a dwelling of adequate size satisfying standards of hygiene and comfort and preserving personal and family privacy.

2. In order to safeguard the right to housing it shall be the duty of the State to:

(*a*) Draw up or put into effect a housing policy as part of general regional planning and based on town plans which safeguard the existence of an adequate network of transport and social facilities;

(*b*) Encourage and support initiative by local authorities and communities aimed at solving their housing problems and promoting individual building and the establishment of housing co-operatives;

(*c*) Promote private building subject to the public interest.

3. The State shall adopt a policy aimed at introducing a system of rents compatible with family incomes and of individual ownership of dwellings.

4. The State and local authorities shall exercise effective supervision over immovable property, take urban lands into national or municipal ownership where necessary and lay down rights of use.

Article 74. 1. Everyone shall have the right to education with safeguard of the right to equal opportunities of access to and success in schooling.

2. Education shall be changed so as to eliminate its function of perpetuating economic, social and cultural inequality.

3. In the implementation of its educational policy it shall be the duty of the State to:

(*a*) Ensure compulsory and free universal basic education;

(*b*) Institute a public system of pre-school education;

(*c*) Ensure permanent education and abolish illiteracy;

(*d*) Secure to all citizens, in accordance with their ability, access to the highest levels of education, scientific research and artistic creation;

(*e*) Institute by stages free education at all levels;

(*f*) Insert the schools in the communities they serve and co-ordinate education with economic, social and cultural activities;

(*g*) Promote and support special education for the handicapped;

(*h*) Secure for emigrants' children the teaching of the Portuguese language and access to Portuguese culture.

Article 116. 1. Direct, secret and regular elections shall be the general rule in appointing the members of the elected organs of supreme authority, the autonomous regions and local government.

2. Registration of electors shall be compulsory and permanent and shall serve no other purpose. There shall be a single registration system for all elections by direct universal suffrage.

3. Election campaigns shall observe the following principles:

(*a*) Freedom of propaganda;

(*b*) Equality of opportunity and treatment for the various candidates;

(*c*) Impartiality towards candidates on the part of public bodies;

(*d*) Supervision of vote-counting.

4. Citizens shall have the duty to collaborate with the elections administration in the forms laid down by law.

5. Votes cast shall be converted into effective suffrages in accordance with the principle of proportional representation.

6. Acts dissolving corporate organs based on direct suffrage shall set the date of the new elections, to be held in the following ninety days and in accordance with the electoral law in force at the time of dissolution, otherwise the said acts shall be legally null and void.

7. The courts shall be competent to judge the regularity and validity of acts of electoral procedure.

Article 163. 1. A member of the Assembly shall forfeit his mandate if he:

(*a*) Becomes subject to any of the disabilities or incompatibilities provided by law;

(*b*) Fails to take his seat in the Assembly or exceeds the number of absences provided for in the rules of procedure;

(*c*) Joins a party other than one that presented him for election;

(*d*) Is convicted by a court of participation in any organization with a Fascist ideology.

2. A member of the Assembly may renounce his mandate by written declaration.

Article 226. 1. Public administrative authorities shall seek to promote the public interest, while observing those rights and interests of citizens that are protected by law.

2. The organs and staff of the administrative authorities shall be subject to the Constitution and the law and shall exercise their functions fairly and impartially.

Criminal Code

Article 189. 1. Anyone who, with the intent of destroying in whole or in part a community or a national, ethnic, racial, religious or social group, and committing one of the following acts:

(*a*) Murder of members of the community or group;

(*b*) A serious offence against the physical or mental security of members of the community or group;

(*c*) Requiring the community or group to live in inhumane conditions or subjecting them to inhumane treatment likely to result in the destruction of the community or group;

(*d*) Forced transfer of children to another community or group;

shall be punishable by imprisonment for 10 to 25 years.

2. Anyone who, at a public meeting, in writing intended for circulation or by any other means of social communication:

(*a*) Slanders or libels any person or group of persons or holds them up to public scorn on the ground of race, colour or ethnic origin;

(*b*) Incites acts of violence against a person or group of persons of a given race, colour or ethnic origin;

shall be punishable by imprisonment for one to five years.

3. Anyone who:

(*a*) Founds or sets up organizations or engages in activities for the purpose of organized propaganda to incite racial discrimination, hatred or violence or who encourages them;

(*b*) Participates in the organizations or activities referred to in the preceding subparagraph or who lends support to any activity of a racist nature, including the financing thereof;

shall be punishable by imprisonment for two to eight years.

Act 31/78 on the functions of the Press Council

Article 2. (*a*) The independence of the press from political and economic power, more particularly by countering any monopolistic action in this sphere;

(*b*) The adoption of a general attitude which respects ideological pluralism, allows for the expression and comparison of differing views, ensures the strict truth and objectivity of the press and prevents the advocacy or propagation of Fascist ideology or of any other ideology contrary to democratic freedoms and to the Constitution;

(*c*) Respect by the press of other rights and duties set forth in the Constitution and the law.

Act 64/78 prohibiting Fascist groups

Article 3. Fascism signifies the adoption, support or dissemination of values, principles, institutions and methods that are characteristic of the régimes known to history, and specifically warmongering, violence as a form of political struggle, colonialism, racism, corporatism and the glorification of the most representative figures of such régimes.

Article 4. Fascist organizations recognized as such by judicial decision are, by virtue of the same decision, declared to be abolished and prevented from engaging in any activity.

Article 5. Members of such organizations and those who participate in their activities are punished under the criminal law.

Act 38/80 on asylum and refugees

Article 1.

. . .

(2) An alien or a stateless person who justifiably fears persecution on the grounds of race, religion, nationality, political opinions or membership of a particular social group shall be entitled to asylum . . .

Decree law 406/74

Article 1. All citizens may freely exercise the right of peaceful assembly in places which are public, open to the public or private, without prior authorization, provided the purposes are not contrary to the law, to public morals, to the rights of natural and legal persons or to public order.

Decree law 437/75

Article 3.

. . .

(*e*) Governs extradition and stipulates that extradition may not be granted if there are grounds for believing that it is sought in order to prosecute a person because of his race, religion, nationality or political opinions.

Decree law 119/83 regulating the institutions responsible for social security

Article 5.

. . .

(2) The dignity and privacy of the beneficiaries must be respected and they shall not be subject to any discrimination on ideological, political, religious or racial grounds.

Decree law 303/83

Article 5. The fundamental values, principles and institutions of the nation as recognized in the Constitution must be respected. Accordingly, advertising must not run counter to the democratic system or encourage discrimination on the grounds of race, sex, politics or religion.

Bill No. 57/III on data protection

Article 4 prohibits the processing of personal data which disclose racial origin, criminal record, enforcement of security measures, suspected criminal activities, health, and any other information that is an infringement of privacy.

For the purpose of checking the processing of data on individuals, the bill provides for the creation of a National Data Protection Commission to ensure strict respect for human rights and the freedoms and guarantees set forth in the Constitution.

The bill also lays down penalties of up to two years' imprisonment for anyone in breach of its terms.

Government bill 21/IV on the new code of criminal procedure provides for:

The establishment of a procedure to ensure the proper administration of justice, preservation of the fundamental rights of the individual and the restoration of social peace,

The furtherance of equality of procedural "weapons",

The appointment of an interpreter, free of charge, for persons who are involved in proceedings and do not speak or are not fluent in Portuguese (art. 92),

In the course of the questioning, the accused person is identified by name, parentage, nationality, date of birth, married status, occupation, place of residence, identity card number, with no mention of particulars such as race, which could lead to some discrimination.

Bill 339/II on the basic rights of those working in the police force

Article 1. Every citizen shall be entitled to access to employment in the police forces of the Republic, without any distinction on the grounds of sex, race, country of origin, religion or political or ideological beliefs, and under conditions of equality and liberty.

Qatar

[*Original: Arabic*]

Decree No. 130 of 1973 (halting the export of Qatar petroleum to South Africa and Portugal)

Article 1. The export of Qatar petroleum to South Africa and Portugal shall be totally and immediately halted.

Article 2. All the competent authorities shall implement this Decree within their respective spheres of jurisdiction. This Decree, which shall enter into force with effect from the date of its promulgation, shall be published in the *Official Gazette*.

Decree No. 140 of 1973 (severing all economic, trade and commercial relations with South Africa, Portugal and Rhodesia)

Article 1. All economic, trade, cultural and other relations with South Africa, Portugal and Rhodesia shall be severed.

Article 2. All the competent authorities shall implement this Decree within their respective spheres of jurisdiction. This Decree, which shall enter into force with effect from the date of its promulgation, shall be published in the *Official Gazette*.

Decree No. 128 of 1975 (concerning the exemption of the Portuguese Republic from the provisions of Decrees Nos. 130 and 140 of 1973)

Article 1. The "Portuguese Republic" shall be exempted from the provisions of Decree No. 130 of 1973 suspending the export of petroleum from Qatar to South Africa and Portugal, and from the provisions of Decree No. 140 of 1973 severing all economic, trade and cultural relations with South Africa, Portugal and Rhodesia.

Article 2. All the competent authorities shall implement this Decree, within their respective spheres of jurisdiction. The Decree shall enter into force with effect from the date of its promulgation and shall be published in the *Official Gazette*.

Legislative Decree No. 8 of 1980 (cancelling the measures taken for the economic boycott of Southern Rhodesia and for the severance of economic, trade and cultural relations with that country)

Article 1. The provisions contained in Legislative Decree No. 2 of 1967 and Decree No. 140 of 1973 concerning measures for the boycott, embargo and severance of relations with Southern Rhodesia are hereby cancelled. The said measures shall remain in force against South Africa.

Article 2. All the competent authorities shall implement this Legislative Decree within their respective spheres of jurisdiction. This Legislative Decree, which shall enter into force with effect from the date of its promulgation, shall be published in the *Official Gazette*.

Spain

[*Original: Spanish*]

Penal Code

Article 173, subparagraph 4, characterizes as illegal any associations which promote or incite racial discrimination.

Trinidad and Tobago

[*Original: English*]

Constitution

Section 4. It is hereby recognized and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely:

(*a*) The right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;

(*b*) The right of the individual to equality before the law and the protection of the law;

(*c*) The right of the individual to respect for his private and family life;

(*d*) The right of the individual to equality of treatment from any public authority in the exercise of any functions;

(*e*) The right to join political parties and to express political views;

(*f*) The right of a parent or guardian to provide a school of his own choice for the education of his child or ward;

(*g*) Freedom of movement;

(*h*) Freedom of conscience and religious belief and observance;

(*i*) Freedom of thought and expression;

(*j*) Freedom of association and assembly; and

(*k*) Freedom of the press.

Section 5. (1) Except as is otherwise expressly provided in this chapter and in section 54, no law may abrogate, abridge or infringe or authorize the abrogation, abridgement or infringement of any of the rights and freedoms hereinbefore recognized and declared.

(2) Without prejudice to subsection (1), but subject to this chapter and to section 54, Parliament may not:

(*a*) Authorize or effect the arbitrary detention, imprisonment or exile of any person;

(*b*) Impose or authorize the imposition of cruel and unusual treatment or punishment;

(*c*) Deprive a person who has been arrested or detained:

(i) Of the right to be informed promptly and with sufficient particularity of the reason for his arrest or detention;

(ii) Of the right to retain and instruct without delay a legal adviser of his own choice and to hold communication with him;

(iii) Of the right to be brought promptly before an appropriate judicial authority;

(iv) Of the remedy by way of habeas corpus for the determination of the validity of his detention and for his release if the detention is not lawful;

(*d*) Authorize a court, tribunal, commission, board or other authority to compel a person to give evidence unless he is afforded protection against self-incrimination and, where necessary to ensure such protection, the right to legal representation;

(*e*) Deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;

(*f*) Deprive a person charged with a criminal offence of the right:

(i) To be presumed innocent until proved guilty according to law, but this shall not invalidate a law by reason only that the law imposes on any such person the burden of proving particular facts;

(ii) To a fair and public hearing by an independent and impartial tribunal; or

(iii) To reasonable bail without just cause;

(*g*) Deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness, before a court, commission, board or other tribunal, if he does not understand or speak English; or

(*h*) Deprive a person of the right to such procedural provisions as are necessary for the purpose of giving effect and protection to the aforesaid rights and freedoms.

Education Act

Section 7. No person shall be refused admission to any public school on account of the religious persuasion, race, social status or language of such person or of his parent.

Section 29. (1) No child shall be required as a condition of admission into, or of continuing in, a public school:

(*a*) To attend or to abstain from attending any Sunday School or any place of religious worship;

(*b*) To attend any religious observance or any instruction in religious subjects in the school or elsewhere from which observance or instruction he may be withdrawn by his parents; or

(*c*) To attend the school on any day specially set apart for religious observance by the religious body to which the parent belongs.

Sedition Act

Section 3. (1) A seditious intention is an intention:

(*a*) To bring into hatred or contempt, or to excite disaffection against Government or the Constitution as by law established or the House of Representatives or the Senate or the administration of justice;

(*b*) To excite any person to attempt, otherwise than by lawful means, to procure the alteration of any matter in the State by law established;

(*c*) To raise discontent or disaffection amongst inhabitants of Trinidad and Tobago;

(*d*) To engender or promote:

(i) Feelings of ill will or hostility between one or more sections of the community on the one hand and any other section or sections of the community on the other hand; or

(ii) Feelings of ill will towards, hostility to or contempt for any class of inhabitants of Trinidad and Tobago distinguished by race, colour, religion, profession, calling or employment; or

(*e*) To advocate or promote, with intent to destroy in whole or in part any identifiable group, the commission of any of the following acts, namely:

(i) Killing members of the group; or

(ii) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

Section 4. (1) A person is guilty of an offence who:

(*a*) Does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention;

(*b*) Communicates any statement having a seditious intention;

(*c*) Publishes, sells, offers for sale or distributes any seditious publication;

(*d*) With a view to its being published prints, writes, composes, makes, reproduces, imports or has in his possession, custody, power or control any seditious publication.

(2) Subject to subsection (3), a person guilty of an offence under this section is liable:

(*a*) On summary conviction to a fine of three thousand dollars and to imprisonment for two years; or

(*b*) On conviction on indictment to a fine of twenty thousand dollars and to imprisonment for five years, and any seditious publication, the subject matter of the charge, shall be forfeited.

Genocide Act

Section 3. (1) A person who commits any act falling within the definition of "genocide" in article II of the Genocide Convention is liable on conviction on indictment:

(*a*) To the same punishment as is provided for murder if the act committed was the one specified in paragraph (*a*) of the said article II; or

(*b*) To imprisonment for fourteen years in any other case.

(2) No proceedings shall be instituted under this Act except by or with the consent of the Director of Public Prosecutions.

Turkey

[*Original: English*]

Constitution

Article 10. All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

No privilege shall be granted to any individual, family, group or class.

State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings.

Article 12. Everyone possesses inherent fundamental rights and freedoms which are inviolable and inalienable.

The fundamental rights and freedoms also include the duties and responsibilities of the individual towards society, his family and other individuals.

Article 14. None of the rights and freedoms embodied in the Constitution shall be exercised with the aim of violating the indivisible integrity of the State with its territory and nation, of endangering the existence of the Turkish State and Republic, of destroying fundamental rights and freedoms, of placing the Government of the State under the control of an individual or a group of people, or establishing the hegemony of one social class over others, or creating discrimination on the basis of language, race, religion, or sect, or of establishing by any other means a system of government based on these concepts and ideas.

Article 70. Every Turk has the right to enter the public service.

No criteria other than the qualifications for the office concerned shall be taken into consideration for recruitment into the public service.

Penal Code

Article 141.

. . .

4. Whoever attempts to establish or establishes or arranges or conducts and administers the activities of, or furnishes guidance for the societies aiming to abolish partially or entirely the civil rights provided by the Constitution, because of race, or to exterminate or weaken national feelings, shall be punished by heavy imprisonment for eight to fifteen years.

5. Whoever joins the societies indicated in the above paragraphs, shall be punished by heavy imprisonment for five to twelve years.

6. The punishment by imprisonment or heavy imprisonment to be imposed on persons who commit the above-mentioned acts in governmental departments, municipalities, economic enterprises with a capital belonging partially or entirely to the State, trade unions, workers' organizations and schools or institutions of higher education, or among the officials, employees or members of such organizations, shall be increased by one third.

7. If any of the perpetrators of the crimes prescribed in this article informs the respective authorities of the crime and identity of other perpetrators before the final investigation is initiated and if his information proves to be correct, heavy imprisonment for not less than ten years instead of death sentence can be adjudged and heavy imprisonment and imprisonment punishments can be reduced by one fourth, depending upon the circumstances and the particularities of the case.

8. The societies mentioned in this article are defined as two or more persons uniting for the same purpose.

Article 142.

. . .

3. Whoever makes any propaganda, directed to abolish partially or entirely the civil rights provided by the Constitution, because of race, or to exterminate or weaken the national feelings, shall be punished by heavy imprisonment for five to ten years.

4. Whoever expresses praise for the acts mentioned in the foregoing paragraphs shall be punished by imprisonment for two to five years.

5. The punishment for persons having committed the acts prescribed in the foregoing paragraphs, in those organizations or among persons specified in paragraph 6 of article 141, shall be increased by one third.

6. In cases where the acts mentioned in the foregoing paragraphs are committed by means of publication, the punishment to be imposed shall be increased by one half.

7. If any of the perpetrators of the crimes prescribed in this article informs the competent authorities of the crime and the identity of other perpetrators before the final investigation is initiated, and his information proves to be correct, heavy imprisonment and imprisonment terms can be reduced, by not more than one fourth, depending upon the circumstances, and the particularities of the case.

Article 312. Whoever, through discrimination on the basis of class, race, religion, sect or region, publicly incites people to hatred and enmity shall be punished by imprisonment for one to three years and heavy fine of three thousand to twelve thousand liras. The punishment to be imposed shall be increased by one third to one half if incitement is done in a way which poses danger to public security.

Associations Act

Article 4.

. . .

Paragraph (2)

. . .

(*c*) Those individuals who have been apprehended, by virtue of article 312 of the Penal Code, for their attempts to incite hatred and enmity on the basis of class, race, language, sect or religion shall not be authorized to establish associations even if they have been pardoned by amnesty.

Article 5. No association can be formed in contravention of basic principles indicated in the Preamble of the Constitution.

No association can be formed with the following purpose:

. . .

2. Destroying or endangering the existence of the Republic of Turkey, characteristics of which are set forth in the Constitution, through discrimination on the grounds of language, race, class, religion or sect.

Political Parties Act

Article 11. Every Turkish citizen, over 21 years of age who is capable of exercising civil and political rights, can be a member of a political party.

However, the following persons cannot be members of political parties or be registered as such:

. . .

5. Those condemned, under article 312, paragraph 2, of the Turkish Penal Code, for having publicly and through discrimination on the basis of class, race, religion, sect or region incited people to hatred and enmity.

Article 78. Political parties cannot aim or pursue activities or encourage and incite others, to create discrimination on the basis of language, race, colour, religion or sect, and to establish a State order based on these notions and views.

[Political parties] cannot be based on principles and cannot use the names of region, race, certain individuals, families, groups or congregations, religion, sect or religious order.

Prohibition of regionalism and racism

Article 82. In the country, which is an indivisible whole, political parties cannot aim to or pursue activities of regionalism or racism.

Safeguard of the principle of equality

Article 83. Political parties cannot have aims or pursue activities against the principle of equality of all individuals without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect or any such consideration.

Tuvalu

[*Original: English*]

Constitution

Section 11. (1) Every person in Tuvalu is entitled, whatever his race, place of origin, political opinions, colour, religious beliefs or lack of religious beliefs, or sex, to the following fundamental rights and freedoms:

(*a*) The right not to be deprived of life (section 16); and

(*b*) Personal liberty (sections 17 and 18); and

(*c*) Security for his person (sections 18 and 19); and

(*d*) The protection of the law (section 22); and

(*e*) Freedom of belief (section 23); and

(*f*) Freedom of expression (section 24); and

(*g*) Freedom of assembly and association (section 25); and

(*h*) Protection for the privacy of his home and other property (section 21); and

(*i*) Protection from unjust deprivation of property (section 20), and to other rights and freedoms set out in this part or otherwise by law.

(2) The rights and freedoms referred to in subsection (1) can, in Tuvaluan society, be exercised only:

(*a*) With respect for the rights and freedoms of others and for the national interest; and

(*b*) In acceptance of Tuvaluan values and culture, and with respect for them.

(3) The purpose of this part is to protect those rights and freedoms, subject to limitations on them that are designed primarily to give effect to subsection (2).

Section 27. Freedom from discrimination

(1) In this section, discrimination refers to the treatment of different people in different ways wholly or mainly because of their different:

(*a*) Races; or

(*b*) Places of origin; or

(*c*) Political opinions; or

(*d*) Colours; or

(*e*) Religious beliefs or lack of religious beliefs,

in such a way that one such person is for some such reason given more favourable treatment or less favourable treatment than another such person.

(2) Subject to the provisions of this part, and in particular to:

. . .

(*e*) Section 36 (restrictions on certain rights and freedoms during public emergencies),

no one shall be treated in a discriminatory manner.

Subsection (2) does not apply to a law so far as it makes provision:

. . .

(*c*) With respect to persons who are not citizens of Tuvalu; or

(*d*) In respect of:

(i) Adoption; or

(ii) Marriage; or

(iii) Divorce; or

(iv) Burial; or

(v) Any other such matter,

in accordance with the personal law, beliefs or customs of any person or group; or

(*e*) In relation to land; or

(*f*) By which any person or group may be given favourable treatment or unfavourable treatment which, having regard to the nature of the treatment and to any special circumstances of the person or group, is reasonably justifiable in a democratic society having a proper respect for human rights and dignity.

Section 38. (1) In accordance with any rules of court made for the purposes of this division, if any person claims that any of the provisions of this part:

(*a*) Has been; or

(*b*) Is being; or

(*c*) Is likely to be,

contravened or not complied with in relation to him, he may apply to the High Court under this division.

(2) In the case of a person who is being detained, an application under subsection (1) may be made:

(*a*) By the person himself; or

(*b*) By any other person on his behalf.

(3) Nothing in subsections (1) or (2) prevents any other action that may be taken under other law in respect of the contravention.

Ukrainian Soviet Socialist Republic

[*Original: Russian*]

Constitution

Article 31.

. . .

Citizens of other Union republics enjoy equal rights with citizens of the Ukrainian SSR throughout the Ukrainian SSR.

Article 32. Citizens of the Ukrainian SSR are equal before the law without distinction on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type or nature of occupation, domicile or other circumstances.

Article 34. Citizens of the Ukrainian SSR of differing races and nationalities have equal rights.

Article 35. Foreign citizens and stateless persons in the Ukrainian SSR are guaranteed the rights and freedoms provided by law, including the right to apply to a court and other State bodies for the protection of their personal property, family and other rights.

Article 52. Citizens of the Ukrainian SSR are guaranteed inviolability of the person.

Article 55.

. . .

Citizens of the Ukrainian SSR have the right to protection by the courts against encroachments on their honour and reputation, life and health, and personal freedom and property.

Article 56. Citizens of the Ukrainian SSR have the right to lodge a complaint against the actions of officials, State bodies and public bodies. Complaints shall be examined according to the procedure and within the time-limit established by law.

Actions by officials that contravene the law or exceed their powers, and infringe the rights of citizens, may be appealed against in a court in the manner prescribed by law.

Citizens of the Ukrainian SSR have the right to compensation for damage resulting from unlawful actions by State organizations and public organizations, or by officials in the performance of their duties.

Article 62. It is the duty of every citizen of the Ukrainian SSR to respect the national dignity of other citizens and to strengthen the friendship of the nations and nationalities of the multinational Soviet State.

Article 154. Justice in the Ukrainian SSR is administered on the principle of the equality of all citizens before the law and the courts.

Article 157. Judicial proceedings in the Ukrainian SSR shall be conducted in Ukrainian or in the language of the majority of the inhabitants of the locality concerned. Persons participating in court proceedings who do not know the language in which they are being conducted shall be ensured the right to become fully acquainted with the materials in the case, the services of an interpreter during the proceedings, and the right to address the court in their own language.

Article 159. Colleges of advocates are available to give legal assistance to citizens and organizations . . .

Article 170. All laws and other acts of State bodies of the Ukrainian SSR shall be promulgated on the basis of and in conformity with this Constitution.

Law on Popular Discussion of Important Questions of State Life in the Ukrainian SSR of 4 June 1988

Article 4.

. . .

Free participation in the discussion of important questions of State and public life shall be ensured for citizens of the Ukrainian SSR.

. . .

Any direct or indirect limitation of the right of citizens of the Ukrainian SSR to take part in the discussion based on origin, social or property status, race or nationality, sex, education, language, attitude to religion, length of residence in a locality, or type and nature of occupation is prohibited.

. . .

Criminal Code of 28 December 1960

Article 41. The following shall be recognized as aggravating circumstances when a penalty is imposed:

. . .

2. Commission of a crime by an organized group.

. . .

Article 66. Propaganda or agitation for the purpose of arousing racial or national hostility or enmity and the direct or indirect restriction of the rights of, or the establishment of direct or indirect privileges for, citizens on grounds of their race or nationality shall be punishable by deprivation of freedom for a term of six months to three years, or by exile for two to five years.

Labour Code of 10 December 1971

Article 22. The unjustified rejection of candidates for employment is prohibited. In accordance with the Constitution of the USSR and the Constitution of the Ukrainian SSR, all direct or indirect limitation of rights, or the establishment of direct or indirect privileges in connection with hiring, on grounds of sex, race, nationality or attitude to religion, is prohibited.

Article 94. In accordance with the Constitution of the USSR and the Constitution of the Ukrainian SSR, the labour of manual and non-manual workers shall be remunerated according to its quantity and quality. All diminution of remuneration for labour on grounds of sex, age, race or nationality is prohibited.

Law on the Judicial System of the Ukrainian SSR of 5 June 1981

Article 5. Justice in the Ukrainian SSR is administered on principles of the equality of citizens before the law and the courts, irrespective of their origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile or other circumstances.

Article 13. [see text of article 157 of the Constitution]

Marriage and Family Code of 20 June 1969

Article 4. Equality of rights of citizens in family relationships. All citizens shall have equal rights in family relationships. All direct or indirect limitation of those rights, or the establishment of direct or indirect privileges on marriage or in family relationships on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type or nature of occupation, domicile or other circumstances is prohibited.

(As revised by the Decree of the Presidium of the Supreme Soviet of the Ukrainian SSR of 1 September 1980.)

Act on elections to the Supreme Soviet of the Ukrainian SSR of 19 December 1978

Article 2. Deputies to the Supreme Soviet of the Ukrainian SSR shall be elected on the basis of universal suffrage: all citizens of the Ukrainian SSR who have attained the age of 18 shall have the right to elect and to be elected to the Supreme Soviet of the Ukrainian SSR, with the exception of persons recognized in accordance with the law as insane.

All direct or indirect limitations of the electoral rights of citizens of the Ukrainian SSR on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, length of residence in the locality concerned, or type or nature of occupation are prohibited.

Act on Elections to Local Soviets of People's Deputies of the Ukrainian SSR of 27 June 1979

Article 2. Deputies to local Soviets of People's Deputies of the Ukrainian SSR shall be elected on the basis of universal suffrage: all citizens of the Ukrainian SSR who have attained the age of 18 shall have the right to elect and to be elected to regional, district, urban, urban district, settlement and village Soviets of People's Deputies, with the exception of persons recognized in accordance with the law as insane.

All direct or indirect limitations of the electoral rights of citizens of the Ukrainian SSR on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, length of residence in the locality concerned, or type or nature of occupation, are prohibited.

Act on Elections to (Urban) District People's Courts of the Ukrainian SSR of 5 June 1981

Article 2. People's judges and people's assessors in the (urban) district people's courts of the Ukrainian SSR shall be elected on the basis of universal suffrage: all citizens of the Ukrainian SSR who have attained the age of 18, with the exception of persons recognized in accordance with the law as insane, shall have the right to elect people's judges and people's assessors. Any citizen of the Ukrainian SSR who has attained the age of 25 by the day of the elections may be elected as a people's judge or people's assessor of an (urban) district people's court.

All direct or indirect limitations of the electoral rights of citizens of the Ukrainian SSR on grounds of origin, social or property status, race or na-

tionality, sex, education, language, attitude to religion, length of residence in the locality concerned, or type or nature of occupation, are prohibited.

Act on National Education of 28 June 1974

Article 4. The basic principles of national education in the Ukrainian SSR are:

1. Equality of all citizens of the USSR in the receipt of education without distinction on grounds of origin, social or property status, race or nationality, sex, language, attitude to religion, type or nature of occupation, domicile or other circumstances;

2. Universal compulsory secondary education for young people;

3. State and public character of all education institutions;

4. Freedom of choice of the language of instruction: instruction in the native language or in the language of another people of the USSR;

5. Gratuitousness of all types of education, full State support of part of the student body, free issue of school textbooks, support of pupils and students by grants and provision to them of the established benefits and of other material assistance;

6. Unity of the national educational system and continuity of all types of educational establishment, so ensuring the possibility of passage from the lowest to the highest levels of instruction;

7. Unity of instruction and communist education, co-operation of schools, the family and public opinion in the upbringing of children and young people;

8. Linking of the education and upbringing of coming generations with life and with the practice of communist construction;

9. Scientific nature of education, and continuing modernization of education on the basis of the latest advances in science, technology and culture;

10. Humanistic and high moral character of education and upbringing;

11. Co-education;

12. Secular nature of education, precluding the influence of religion.

(As revised by the Decree of the Presidium of the Supreme Soviet of the Ukrainian SSR of 15 May 1980.)

Article 26. Language of instruction in general-education schools:

Pupils at general education schools shall be provided with the opportunity to study in their native language or in the language of another people of the USSR. Parents or their substitutes shall have the right to choose for children a school with the appropriate language of instruction. In addition to the language in which teaching is conducted, pupils may, if they wish, study the language of another people of the USSR.

Article 81. The right of foreign citizens and stateless persons to receive education in the Ukrainian SSR:

In accordance with the basic principles of legislation of the USSR and the Union Republics on national education, foreign citizens and stateless persons resident in the territory of the USSR have as laid down in the law of the USSR to receive education in the Ukrainian SSR on an equal footing with Soviet citizens.

Decree of the Presidium of the Supreme Soviet of the Ukrainian Soviet Socialist Republic on the Procedure for Admission to Citizenship of the Ukrainian SSR of 4 September 1981

Article 1. Foreign citizens and stateless persons permanently resident in the territory of the Ukrainian SSR may, irrespective of their race, nationality, sex, education or language, be admitted at their request to citizenship of the Ukrainian SSR and thereby to citizenship of the USSR.

Union of Soviet Socialist Republics

[*Original: Russian*]

Constitution

Article 34. Citizens of the USSR are equal before the law without distinction on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type or nature of occupation, domicile or other circumstances.

Article 36. Citizens of the USSR of differing races and nationalities have equal rights.

Article 37. Foreign citizens and stateless persons in the USSR are guaranteed the rights and freedoms provided by law, including the right to apply to a court and other State bodies for the protection of their personal, property, family and other rights.

Article 64. It is the duty of every citizen of the USSR to respect the national dignity of other citizens and to strengthen the friendship of the nations and nationalities of the multinational Soviet State.

Article 156. Justice in the USSR is administered on the principle of the equality of all citizens before the law and the courts.

Article 159. Judicial proceedings shall be conducted in the language of the Union Republic, Autonomous Republic, Autonomous Region or Autonomous Area or in the language of the majority of the inhabitants of the locality concerned. Persons participating in court proceedings who do not know the language in which they are being conducted shall be ensured the right to become fully acquainted with the materials in the case; the services of an interpreter during the proceedings; and the right to address the court in their native language.

Act on Elections to the Supreme Soviet of the USSR of 6 July 1978

Article 2. Deputies to the Supreme Soviet of the USSR shall be elected on the basis of universal suffrage: all citizens of the USSR who have attained the age of 18, with the exception of persons recognized in accordance with the law as insane, shall have the right to vote.

Any citizen of the USSR who has attained the age of 21 may be elected a Deputy to the Supreme Soviet of the USSR.

All direct or indirect limitations of the electoral rights of citizens of the USSR on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, length of residence in the locality concerned, or type or nature of occupation are prohibited.

Act on the Legal Status of Foreign Citizens in the USSR of 24 June 1981

Article 3. Principles of the legal status of foreign citizens in the USSR.

Foreign citizens in the USSR have the same rights and freedoms and bear the same obligations as citizens of the USSR unless it follows otherwise from the Constitution of the USSR, the present Act or other Soviet legal instruments.

Foreign citizens in the USSR are equal before the law without distinction on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type or nature of occupation or other circumstances.

The Council of Ministers of the USSR may establish retaliatory limitations with respect to citizens of those States where there are special limitations on the rights or freedoms of citizens of the USSR.

Basic Principles of Legislation of the USSR and the Union Republics concerning the Judicial System in the USSR (Approved by the Act of the USSR of 25 December 1958, as revised by the Act of 25 June 1980)

Article 5. Justice in the USSR is administered on the principle of the equality of citizens before the law and the courts without distinction on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type or nature of occupation, domicile or other circumstances.

Citizens of the USSR have the right to protection by the courts against encroachments on their honour, dignity, life, health, personal freedom and property.

Basic Principles of Legislation of the USSR and the Union Republics concerning National Education (Approved by the Act of the USSR of 19 July 1973, as revised by the Act of 27 November 1985)

Article 3. Citizens of the USSR have the right to education.

This right is ensured by the free provision of all forms of education; the institution of universal compulsory secondary education; the broad development of vocational, specialized secondary, and higher education with instruction oriented towards life and production; the development of correspondence and evening courses; the provision of State grants and allowances for pupils and students; the free issue of school textbooks; the opportunity to attend a school where the teaching is in the native language; and the provision of facilities for self-education.

Article 4. The basic principles of national education in the USSR are:

(1) Equality of all citizens of the USSR in the receipt of education without distinction on grounds of origin, social or property status, race or nationality, sex, language, attitude to religion, type or nature of occupation, domicile or other circumstances;

(2) Universal compulsory secondary education for young people.

Article 11. Propaganda or agitation for the purpose of arousing racial or national hostility or enmity and the direct or indirect limitation of the rights of, or the establishment of direct or indirect privileges for, citizens on grounds of their race or nationality shall be punishable by deprivation of freedom for a term of six months to three years, or by exile for two to five years.

United Arab Emirates

[*Original: Arabic*]

Constitution

Article 25 guarantees the equality of all persons before the law and prohibits discrimination among citizens of the Union on grounds of national or ethnic origin, religious belief or social status.

Article 26 stipulates that personal freedom is guaranteed to all citizens, that no one may be arrested, searched, detained or imprisoned except in accordance with the provisions of the law, and that no person shall be subjected to torture or degrading treatment.

Article 29 stipulates that freedom of movement and residence is guaranteed to all citizens within the limits of the law.

Article 32 stipulates that freedom to engage in religious observance in accordance with established customs is guaranteed, provided that such is not prejudicial to public order or incompatible with public morality.

Article 33 stipulates that freedom of assembly and association is guaranteed within the limits of the law.

Article 34 stipulates that every citizen is free to choose his occupation, trade or profession within the limits of the law and in accordance with the legislation regulating the various trades and professions, that no compulsory work may be imposed on any person other than in exceptional circumstances prescribed by law and subject to compensation, and that no person shall be enslaved.

Article 35 stipulates that public office is open to all citizens on an equal basis under the conditions and in accordance with the provisions prescribed by law.

United Kingdom of Great Britain and Northern Ireland

[*Original: English*]

Race Relations Act 1976

Section 1. (1) A person discriminates against another in any circumstances relevant for the purposes of any provision of this Act if:

(*a*) On racial grounds he treats that other less favourably than he treats or would treat other persons; or

(*b*) He applies to that other a requirement or condition which he applies or would apply equally to persons not of the same racial group as that other but

(i) Which is such that the proportion of persons of the same racial group as that other who can comply with it is considerably smaller than the proportion of persons not of that racial group who can comply with it; and

(ii) Which he cannot show to be justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it is applied; and

(iii) Which is to the detriment of that other because he cannot comply with it.

(2) It is hereby declared that, for the purposes of this Act, segregating a person from other persons on racial grounds is treating him less favourably than they are treated.

Section 2. (1) A person ("the discriminator") discriminates against another person ("the person victimized") in any circumstances relevant for the purposes of any provision of this Act if he treats the person victimized less favourably than in those circumstances he treats or would treat other persons, and does so by reason that the person victimized has:

(*a*) Brought proceedings against the discriminator or any other person under this Act; or

(*b*) Given evidence or information in connection with proceedings brought by any person against the discriminator or any other person under this Act; or

(*c*) Otherwise done anything under or by reference to this Act in relation to the discriminator or any other person; or

(*d*) Alleged that the discriminator or any other person has committed an act which (whether or not the allegation so states) would amount to a contravention of this Act,

or by reason that the discriminator knows that the person victimized intends to do any of those things, or suspects that the person victimized has done, or intends to do, any of them.

(2) Subsection (1) does not apply to treatment of a person by reason of any allegation made by him if the allegation was false and not made in good faith.

Section 3. (1) In this Act, unless the context otherwise requires:

"Racial grounds" means any of the following grounds, namely colour, race, nationality or ethnic or national origins;

"Racial group" means a group of persons defined by reference to colour, race, nationality or ethnic or national origins, and references to a person's racial group refer to any racial group into which he falls.

(2) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group for the purposes of this Act.

(3) In this Act:

(*a*) References to discrimination refer to any discrimination falling within section 1 or 2; and

(*b*) References to racial discrimination refer to any discrimination falling within section 1,

and related expressions shall be construed accordingly.

(4) A comparison of the case of a person of a particular racial group with that of a person not of that group under section 1 (1) must be such that the relevant circumstances in the one case are the same, or not materially different, in the other.

Section 4. (1) It is unlawful for a person, in relation to employment by him at an establishment in Great Britain, to discriminate against another:

(*a*) In the arrangements he makes for the purpose of determining who should be offered that employment; or

(*b*) In the terms on which he offers him that employment; or

(*c*) By refusing or deliberately omitting to offer him that employment.

(2) It is unlawful for a person, in the case of a person employed by him at an establishment in Great Britain, to discriminate against that employee:

(*a*) In the terms of employment which he affords him; or

(*b*) In the way he affords him access to opportunities for promotion, transfer or training, or to any other benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or

(*c*) By dismissing him, or subjecting him to any other detriment.

(3) Except in relation to discrimination falling within section 2, subsections (1) and (2) do not apply to employment for the purposes of a private household.

(4) Subsection (2) does not apply to benefits, facilities or services of any description if the employer is concerned with the provision (for payment or not) of benefits, facilities or services of that description to the public, or to a section of the public comprising the employee in question, unless:

(*a*) That provision differs in a material respect from the provision of the benefits, facilities or services by the employer to his employees; or

(*b*) The provision of the benefits, facilities or services to the employee in question is regulated by his contract of employment; or

(*c*) The benefits, facilities or services relate to training.

Section 5. (1) In relation to racial discrimination:

(*a*) Section 4 (1) (*a*) or (*c*) does not apply to any employment where being of a particular racial group is a genuine occupational qualification for the job; and

(*b*) Section 4 (2) (*b*) does not apply to opportunities for promotion or transfer to, or training for, such employment.

(2) Being of a particular racial group is a genuine occupational qualification for a job only where:

(*a*) The job involves participation in a dramatic performance or other entertainment in a capacity for which a person of that racial group is required for reasons of authenticity; or

(*b*) The job involves participation as an artist's or photographic model in the production of a work of art, visual image or sequence of visual images for which a person of that racial group is required for reasons of authenticity; or

(*c*) The job involves working in a place where food or drink is (for payment or not) provided to and consumed by members of the public or a section of the public in a particular setting for which, in that job, a person of that racial group is required for reasons of authenticity; or

(*d*) The holder of the job provides persons of that racial group with personal services promoting their welfare, and those services can most effectively be provided by a person of that racial group.

(3) Subsection (2) applies where some only of the duties of the job fall within paragraph (*a*), (*b*), (*c*) or (*d*) as well as where all of them do.

(4) Paragraph (*a*), (*b*), (*c*) or (*d*) of subsection (2) does not apply in relation to the filling of a vacancy at a time when the employer already has employees of the racial group in question:

(*a*) Who are capable of carrying out the duties falling within that paragraph; and

(*b*) Whom it would be reasonable to employ on those duties; and

(*c*) Whose numbers are sufficient to meet the employer's likely requirements in respect of those duties without undue inconvenience.

Section 6. Nothing in section 4 shall render unlawful any act done by an employer for the benefit of a person not ordinarily resident in Great Britain in or in connection with employing him at an establishment in Great Britain, where the purpose of that employment is to provide him with training in skills which he appears to the employer to intend to exercise wholly outside Great Britain.

Section 7. (1) This section applies to any work for a person ("the principal") which is available for doing by individuals ("contract workers") who are employed not by the principal himself but by another person, who supplies them under a contract made with the principal.

(2) It is unlawful for the principal, in relation to work to which this section applies, to discriminate against a contract worker:

(*a*) In the terms on which he allows him to do that work; or

(*b*) By not allowing him to do it or continue to do it; or

(*c*) In the way he affords him access to any benefits, facilities or services or by refusing or deliberately omitting to afford him access to them; or

(*d*) By subjecting him to any other detriment.

(3) The principal does not contravene subsection 2 (*b*) by doing any act in relation to a person not of a particular racial group at a time when, if the work were to be done by a person taken into the principal's employment, being of that racial group would be a genuine occupational qualification for the job.

(4) Nothing in this section shall render unlawful any act done by the principal for the benefit of a contract worker not ordinarily resident in Great Britain in or in connection with allowing him to do work to which this section applies, where the purpose of his being allowed to do that work is to provide him with training in skills which he appears to the principal to intend to exercise wholly outside Great Britain.

(5) Subsection (2) (*c*) does not apply to benefits, facilities or services of any description if the principal is concerned with the provision (for payment or not) of benefits, facilities or services of that description to the public, or to a section of the public to which the contract worker in question belongs, unless that provision differs in a material respect from the provision of the benefits, facilities or services by the principal to his contract workers.

Section 8. (1) For the purposes of this Part ("the relevant purposes"), employment is to be regarded as being at an establishment in Great Britain unless the employee does his work wholly or mainly outside Great Britain.

(2) In relation to:

(*a*) Employment on board a ship registered at a port of registry in Great Britain; or

(*b*) Employment on an aircraft or hovercraft registered in the United Kingdom and operated by a person who has his principal place of business, or is ordinarily resident, in Great Britain, other than an aircraft or hovercraft while so operated in pursuance of a contract with a person who has his principal place of business, or is ordinarily resident, outside the United Kingdom,

subsection (1) shall have effect as if the words "or mainly" were omitted.

(3) In the case of employment on board a ship registered at a port of registry in Great Britain (except where the employee does his work wholly outside Great Britain) the ship shall for the relevant purposes be deemed to be the establishment.

(4) Where work is not done at an establishment it shall be treated for the relevant purposes as done at the establishment from which it is done or (where it is not done from any establishment) at the establishment with which it has the closest connection.

(5) In relation to employment concerned with exploration of the sea bed or subsoil or the exploitation of their natural resources, Her Majesty may by Order in Council provide that subsection (1) or (3) shall have effect as if in both subsection (1) and subsection (3) the last reference to Great Britain included any area for the time being designated under section 1 (7) of the Continental Shelf Act 1964, except an area or part of an area in which the law of Northern Ireland applies.

(6) An Order in Council under subsection (5) may provide that, in relation to employment to which the Order applies, this Part is to have effect with such modifications as are specified in the Order.

(7) An Order in Council under subsection (5) shall be of no effect unless a draft of the Order has been laid before and approved by resolution of each House of Parliament.

Section 11. (1) This section applies to an organization of workers, an organization of employers, or any other organization whose members carry on a particular profession or trade for the purposes of which the organization exists.

(2) It is unlawful for an organization to which this section applies, in the case of a person who is not a member of the organization, to discriminate against him:

(*a*) In the terms on which it is prepared to admit him to membership; or

(*b*) By refusing, or deliberately omitting to accept, his application for membership.

(3) It is unlawful for an organization to which this section applies, in the case of a person who is a member of the organization, to discriminate against him:

(*a*) In the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or

(*b*) By depriving him of membership, or varying the terms on which he is a member; or

(*c*) By subjecting him to any other detriment.

Section 12. (1) It is unlawful for an authority or body which can confer an authorization or qualification which is needed for, or facilities, engagement in a particular profession or trade to discriminate against a person:

(*a*) In the terms on which it is prepared to confer on him that authorization or qualification; or

(*b*) By refusing, or deliberately omitting to grant, his application for it; or

(*c*) By withdrawing it from him or varying the terms on which he holds it.

Section 13. (1) It is unlawful for a person to whom this subsection applies, in the case of an individual seeking or undergoing training which would help to fit him for an employment, to discriminate against him:

(*a*) In the terms on which that person affords him access to any training courses or other facilities; or

(*b*) By refusing or deliberately omitting to afford him such access; or

(*c*) By terminating his training.

Section 14. (1) It is unlawful for an employment agency to discriminate against a person:

(*a*) In the terms on which the agency offers to provide any of its services; or

(*b*) By refusing or deliberately omitting to provide any of its services; or

(*c*) In the way it provides any of its services.

(2) It is unlawful for a local education authority or an education authority to do any act in the performance of its functions under section 8 of the Employment and Training Act 1973 which constitutes discrimination.

(3) References in subsection (1) to the services of an employment agency include guidance on careers and any other services related to employment.

(4) This section does not apply if the discrimination only concerns employment which the employer could lawfully refuse to offer the person in question.

(5) An employment agency or local education authority or an education authority shall not be subject to any liability under this section if it proves:

(*a*) That it acted in reliance on a statement made to it by the employer to the effect that, by reason of the operation of subsection (4), its action would not be unlawful; and

(*b*) That it was reasonable for it to rely on the statement.

(6) A person who knowingly or recklessly makes a statement such as is referred to in subsection (5) (*a*) which in a material respect is false or misleading commits an offence and shall be liable on summary conviction to a fine not exceeding £400.

Section 15. (1) It is unlawful for any of the following bodies to discriminate in the provision of facilities or services under section 2 of the Employment and Training Act 1973:

(*a*) The Manpower Services Commission;

(*b*) The Employment Service Agency;

(*c*) The Training Services Agency.

Section 17. It is unlawful, in relation to an educational establishment falling within column 1 of the following table, for a person indicated in relation to the establishment in column 2 (the "responsible body") to discriminate against a person:

(*a*) In the terms on which it offers to admit him to the establishment as a pupil; or

(*b*) By refusing or deliberately omitting to accept an application for his admission to the establishment as a pupil; or

(*c*) Where he is a pupil of the establishment:

(i) In the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or

(ii) By excluding him from the establishment or subjecting him to any other detriment.

England and Wales

	Establishment	*Responsible body*
1.	Educational establishment maintained by a local education authority.	Local education authority or managers or governors, according to which of them has the function in question.
2.	Independent school not being a special school.	Proprietor.
3.	Special school not maintained by a local education authority.	Proprietor.
4.	University.	Governing body.
5.	Establishment (not falling within paragraphs 1 to 4) providing full-time or part-time education, being an establishment designated under section 24 (1) of the Sex Discrimination Act 1975 for the purposes of paragraph 5 of the corresponding table in section 22 of that Act.	Governing body.

Scotland

6.	Educational establishment managed by an education authority.	Education authority.
7.	Educational establishment in respect of which the managers are for the time being receiving grants under section 75 (*c*) or (*d*) of the Education (Scotland) Act of 1962.	Managers of the educational establishment.
8.	University.	Governing body.
9.	Independent school.	Proprietor.
10.	Any other educational establishment (not falling within paragraphs 6, 7 and 9) providing full- or part-time school education or further education.	Managers of the educational establishment.

Section 18. (1) It is unlawful for a local education authority, in carrying out such of its functions under the Education Acts 1944 to 1975 as do not fall under section 17, to do any act which constitutes racial discrimination.

(2) It is unlawful for an education authority, in carrying out such of its functions under the Education (Scotland) Acts 1939 to 1974 as do not fall under section 17, to do any act which constitutes racial discrimination.

Section 19. (1) Without prejudice to its obligation to comply with any other provision of this Act, a body to which this subsection applies shall be under a general duty to secure that facilities for education provided by it, and any ancillary benefits or services, are provided without racial discrimination.

Section 19A (which came into force on 1 January 1987 with the implementation of the Housing and Planning Act 1986)

(1) It is unlawful for a planning authority to discriminate against a person in carrying out their planning functions.

(2) In this section, "planning authority" means:

(*a*) In England and Wales a country district or London borough council, a joint planning board, a special planning board or a National Park Committee; and

(*b*) In Scotland, a planning authority or regional planning authority, and includes an urban development corporation and a body having functions (whether as an enterprise zone authority or a body invited to prepare a scheme) under Schedule 32 of the Local Government, Planning and Land Act 1980.

(3) In this section, "planning functions" means:

(*a*) In England and Wales, functions under the Town and Country Planning Act 1971; and

(*b*) In Scotland, functions under the Town and Country Planning (Scotland) Act 1972 or Part IX of the Local Government (Scotland) Act 1973, and includes, in relation to an urban development corporation, planning functions under Part XVI of the Local Government, Planning and Land Act 1980 and, in relation to an enterprise zone scheme, functions or body invited to prepare an enterprise zone scheme, under Part XVIII of that Act.

Section 21. (1) It is unlawful for a person, in relation to premises in Great Britain of which he has power to dispose, to discriminate against another:

(*a*) In the terms on which he offers him those premises; or

(*b*) By refusing his application for those premises; or

(*c*) In his treatment of him in relation to any list of persons in need of premises of that description.

(2) It is unlawful for a person, in relation to premises managed by him, to discriminate against a person occupying the premises:

(*a*) In the way he affords him access to any benefits or facilities, or by refusing or deliberately omitting to afford him access to them; or

(*b*) By evicting him, or subjecting him to any other detriment.

(3) Subsection (1) does not apply to a person who owns an estate or interest in the premises and wholly occupies them unless he uses the services of an estate agent for the purposes of the disposal of the premises, or publishes or causes to be published an advertisement in connection with the disposal.

Section 25. (1) This section applies to any association of persons (however described, whether corporate or unincorporate, and whether or not its activities are carried on for profit) if:

(*b*) Admission to membership is regulated by its constitution and is so conducted that the members do not constitute a section of the public within the meaning of section 20 (1); and

(*c*) It is not an organization to which section 11 applies.

(2) It is unlawful for an association to which this section applies, in the case of a person who is not a member of the association, to discriminate against him:

(*a*) In the terms on which it is prepared to admit him to membership; or

(*b*) By refusing or deliberately omitting to accept his application for membership.

(3) It is unlawful for an association to which this section applies, in the case of a person who is a member or associate of the association, to discriminate against him:

(*a*) In the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or

(*b*) In the case of a member, by depriving him of membership, or varying the terms on which he is a member; or

(*c*) In the case of an associate, by depriving him of his rights as an associate, or varying those rights; or

(*d*) In either case, by subjecting him to any other detriment.

Section 26. (1) An association to which section 25 applies is within this subsection if the main object of the association is to enable the benefits of membership (whatever they may be) to be enjoyed by persons of a particular racial group defined otherwise than by reference to colour; and in determining whether that is the main object of an association regard shall be had to the essential character of the association and to all relevant circum-

stances including, in particular, the extent to which the affairs of the association are so conducted that the persons primarily enjoying the benefits of membership are of the racial group in question.

(2) In the case of an association within subsection (1), nothing in section 25 shall render unlawful any act not involving discrimination on the ground of colour.

Section 28.

. . .

(2) A person acts in contravention of this section if and so long as:

(*a*) He applies a discriminatory practice; or

(*b*) He operates practices or other arrangements which in any circumstances would call for the application by him of a discriminatory practice.

(3) Proceedings in respect of a contravention of this section shall be brought only by the Commission . . .

Section 29. (1) It is unlawful to publish or to cause to be published an advertisement which indicates, or might reasonably be understood as indicating, an intention by a person to do an act of discrimination, whether the doing of that act by him would be lawful or, by virtue of Part II or III, unlawful.

(2) Subsection (1) does not apply to an advertisement:

(*a*) If the intended act would be lawful by virtue of any of sections 5, 6, 7 (3) and (4), 10 (3), 26, 34 (2) (*b*), 35 to 39 and 41; or

(*b*) If the advertisement relates to the services of an employment agency (within the meaning of section 14 (1)) and the intended act only concerns employment which the employer could by virtue of section 5, 6 or 7 (3) or (4) lawfully refuse to offer to persons against whom the advertisement indicates an intention to discriminate.

(3) Subsection (1) does not apply to an advertisement which indicates that persons of any class defined otherwise than by reference to colour, race or ethnic or national origins are required for employment outside Great Britain.

(4) The publisher of an advertisement made unlawful by subsection (1) shall not be subject to any liability under that subsection in respect of the publication of the advertisement if he proves:

(*a*) That the advertisement was published in reliance on a statement made to him by the person who caused it to be published to the effect that, by reason of the operation of subsection (2) or (3), the publication would not be unlawful; and

(*b*) That it was reasonable for him to rely on the statement.

(5) A person who knowingly or recklessly makes a statement such as is mentioned in subsection (4) (*a*) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding £400.

Section 32. (1) Anything done by a person in the course of his employment shall be treated for the purposes of this Act (except as regards offences thereunder) as done by his employer as well as by him, whether or not it was done with the employer's knowledge or approval.

(2) Anything done by a person as agent for another person with the authority (whether express or implied, and whether precedent or subsequent) of that other person shall be treated for the purposes of this Act (except as regards offences thereunder) as done by that other person as well as by him.

(3) In proceedings brought under this Act against any person in respect of an act alleged to have been done by an employee of his it shall be a defence for that person to prove that he took such steps as were reasonably practicable to prevent the employee from doing that act, or from doing in the course of his employment acts of that description.

Section 35. Nothing in Parts II to IV shall render unlawful any act done in affording persons of a particular racial group access to facilities or services to meet the special needs of persons of that group in regard to their education, training or welfare, or any ancillary benefits.

Section 37. (1) Nothing in Parts II to IV shall render unlawful any act done in relation to particular work by a training body in or in connection with:

(*a*) According only persons of a particular racial group access to facilities for training which would help to fit them for that work; or

(*b*) Encouraging only persons of a particular racial group to take advantage of opportunities for doing that work, where it appears to the training body that at any time within the twelve months immediately preceding the doing of the act:

(i) There were no persons of that group among those doing that work in Great Britain; or

(ii) The proportion of persons of that group among those doing that work in Great Britain was small in comparison with the proportion of persons of that group among the population of Great Britain.

(2) Where in relation to particular work it appears to a training body that although the condition for the operation of subsection (1) is not met for the whole of Great Britain it is met for an area within Great Britain, nothing in Parts II or IV shall render unlawful any act done by the training body in or in connection with:

(*a*) Affording persons who are of the racial group in question, and who appear likely to take up that work in that area, access to facilities for training which would help to fit them for that work; or

(*b*) Encouraging persons of that group to take advantage of opportunities in the area for doing that work.

Section 38. (1) Nothing in Parts II to IV shall render unlawful any act done by an employer in relation to particular work in his employment at a particular establishment in Great Britain, being an act done in or in connection with:

(*a*) Affording only those of his employees working at that establishment who are of a particular racial group access to facilities for training which would help to fit them for that work; or

(*b*) Encouraging only persons of a particular racial group to take advantage of opportunities for doing that work at that establishment,

where any of the conditions in subsection (2) was satisfied at any time within the twelve months immediately preceding the doing of the act.

(2) Those conditions are:

(*a*) That there are no persons of the racial group in question among those doing that work at that establishment; or

(*b*) That the proportion of persons of that group among those doing that work at that establishment is small in comparison with the proportion of persons of that group:

(i) Among all those employed by that employer there; or

(ii) Among the population of the area from which that employer normally recruits persons for work in his employment at that establishment.

(3) Nothing in section 11 shall render unlawful any act done by an organization to which that section applies in or in connection with:

(*a*) Affording only members of the organization who are of a particular racial group access to facilities for training which would help to fit them for holding a post of any kind in the organization; or

(*b*) Encouraging only members of the organization who are of a particular racial group to take advantage of opportunities for holding such posts in the organization,

where either of the conditions in subsection (4) was satisfied at any time within the twelve months immediately preceding the doing of the act.

(4) Those conditions are:

(*a*) That there are no persons of the racial group in question among persons holding such posts in that organization; or

(*b*) That the proportion of persons of that group among those holding such posts in that organization is small in comparison with the proportion of persons of that group among the members of the organization.

(5) Nothing in Parts II to IV shall render unlawful any act done by an organization to which section 11 applies in or in connection with encouraging only persons of a particular racial group to become members of the organization where at any time within the twelve months immediately preceding the doing of the act:

(*a*) No persons of that group were members of the organization; or

(*b*) The proportion of persons of that group among members of the organization was small in comparison with the proportion of persons of that group among those eligible for membership of the organization.

(6) Section 8 (meaning of employment at establishment in Great Britain) shall apply for the purposes of this section as if this section were contained in Part II.

Section 43. (1) There shall be a body of Commissioners named the Commission for Racial Equality consisting of at least eight but not more than fifteen individuals each appointed by the Secretary of State on a full-time or part-time basis, which shall have the following duties:

(*a*) To work towards the elimination of discrimination;

(*b*) To promote equality of opportunity, and good relations, between persons of different racial groups generally; and

(*c*) To keep under review the working of this Act and, when they are so required by the Secretary of State or otherwise think it necessary, draw up and submit to the Secretary of State proposals for amending it.

Section 44. (1) The Commission may give financial or other assistance to any organization appearing to the Commission to be concerned with the promotion of equality of opportunity, and good relations, between persons of different racial groups, but shall not give any such financial assistance out of money provided (through the Secretary of State) by Parliament except with the approval of the Secretary of State given with the consent of the Treasury.

Section 45. (1) The Commission may undertake or assist (financially or otherwise) the undertaking by other persons of any research and any educational activities, which appear to the Commission necessary or expedient for the purposes of section 43 (1).

(2) The Commission may make charges for educational or other facilities or services made available by them.

Section 46. (1) As soon as practicable after the end of each calendar year the Commission shall make to the Secretary of State a report on their activities during the year (an "annual report").